AMERICAN GOVERNMENT

NEW EDITION

MAGRUDER

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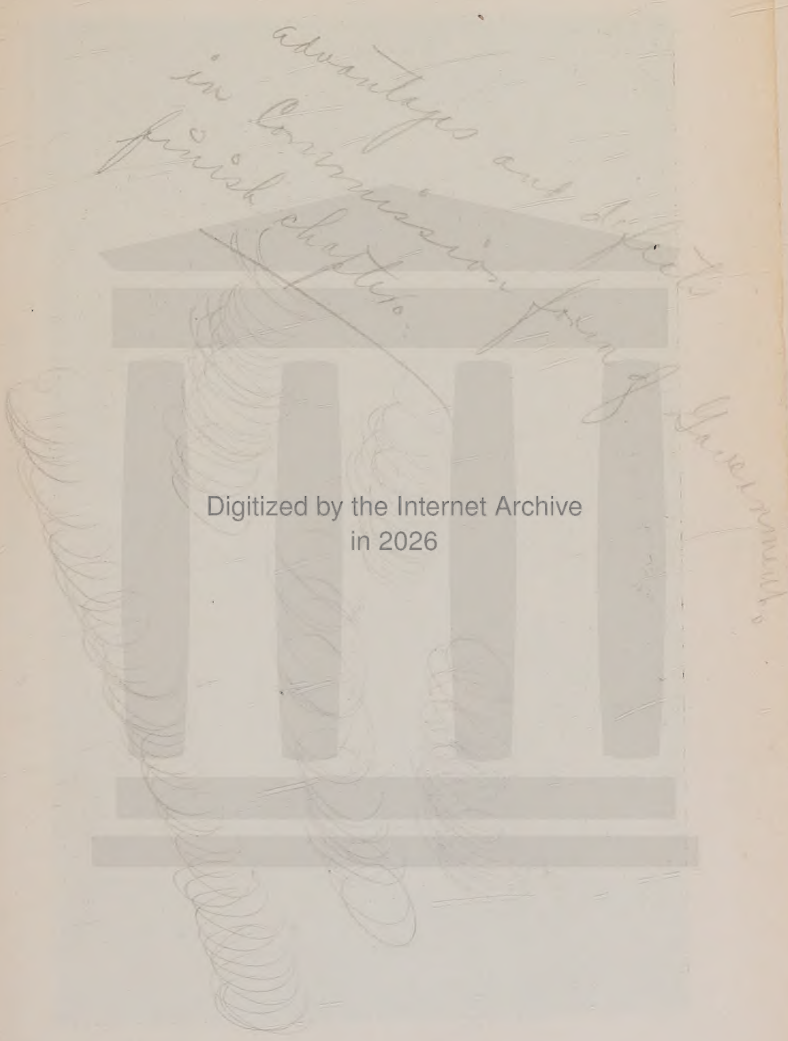

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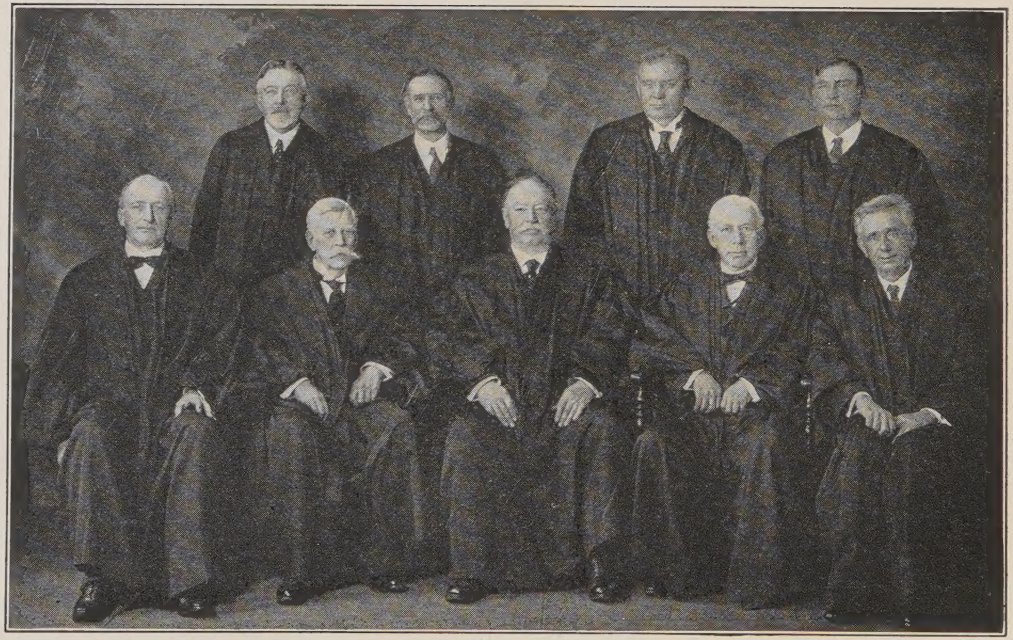

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UNITED STATES SUPREME COURT, 1926.

Justice Sanford Justice Sutherland Justice Butler Justice Stone
Justice McReynolds Justice Holmes Chief Justice Taft Justice Van Devanter Justice Brandeis

AMERICAN GOVERNMENT

NEW EDITION

1927

WITH A CONSIDERATION OF THE

PROBLEMS OF DEMOCRACY

BY

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"It is the duty of the government to make it easy for the people to do right, and difficult for the people to do wrong." — *W. E. Gladstone.*

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Publisher's Note. — Magruder's American Government is revised at least once a year, to bring it thoroughly up to date. The new matter is incorporated in such a way that the latest revision can be used in the class-room side by side with previous editions.

PREFACE

THE necessity of making new plates, a necessity due to the extensive use of *American Government*, has afforded opportunity for a complete revision of the book. Wherever better illustrations could be secured, these have been incorporated. Whenever a section could be made simpler, more concrete or more interesting it has been rewritten. Further, as in the case of each previous revision, new matter has been added whenever this was advisable to bring the book up to date.

Yet the aims of the first edition of *American Government*, aims which contributed so largely to its phenomenal success, have been kept constantly in mind. These may be summed up under four heads:

First, to impress upon the pupil his responsibility, as a junior citizen, for the development of better government.

Second, to show how the state has developed from a simple organization for defense to the complex socialized society of to-day; and to make it clear that government is not operated according to preconceived theories, but is a living organism developed by the people to meet the needs resulting from changing conditions; to show, for example, that the Constitution of the United States is not a dead contract, but a living agreement which has developed with time and has adapted itself to economic and social conditions.

Third, to explain the actual operation of the National, State, and Local governments, emphasizing the functions of government without neglecting the necessary details of framework.

Fourth, to make plain the influence of the judiciary; and to present the political and social problems of to-day, such as the

initiative, referendum, recall, short ballot, suffrage, education, immigration, and prohibition.

The author has endeavored to make all important facts stand out clearly, by separating details from the main text, by explaining fully in footnotes all necessary technical terms, and by placing interesting collateral material in the questions for discussion. The text is further simplified by brief examples, outlines, diagrams, maps, and illustrations taken from all sections of the country, the details regarding each State being given in their proper setting.

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AMERICAN GOVERNMENT

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CHAPTER I

IMPORTANCE OF GOVERNMENT

1. Creation of a Government. — The Pilgrims found a spot "fit for situation" and landed at Plymouth, Massachusetts, December 22, 1620. No civilized government[1] existed on these new shores,[2] and the Pilgrims, although a religious people, realized that they would be unable to preserve order among themselves and maintain protection against the Indians without government and laws. In fact, dissensions on the Mayflower had already impressed them with the necessity of establishing a government.

Accordingly, while lying off Cape Cod, the forty-one male adults signed the following agreement: "We whose names are under-written . . . doe . . . combine ourselves together into a civill body politick . . . to enact . . . such just and equall laws . . . from time to time as shall be thought most meete and convenient for ye generall good of ye Colonie, unto which we promise all due submission and obedience." Thus a new government came into existence.

2. Why Government Is Important. — Government is important because through coöperation we are able to maintain peace, security, justice, and public services more easily than if individuals acted singly.

---

[1] A government is the agency through which the purposes of a state are formulated and executed.

[2] By "new shores" is meant the New England shores. A government had existed in Virginia since 1607.

Each individual may not directly assist in maintaining peace, security, justice, and public services; but every person who has money to spend contributes his part towards the support of the 2,000,000 persons who are employed to do the work. On the average, one who works contributes, directly or indirectly, to the governments of the United States, of his State, and of his local district one day's work a week.

3. The Cost of Government. — The expenditures of our National government are about $4,000,000,000 a year; those of our State governments are more than $1,000,000,000; those of our counties more than $500,000,000; and organized villages, towns, and cities also spend more than $2,000,000,000 a year. Thus our various governments cost us about $8,000,000,000 a year, or an average of about $80 for each man, woman, and child in the United States. (See Secs. 79 and 246.)

4. How the Cost of Government Is Borne. — The cost of government is borne by individuals through taxation. Taxes are paid to the respective governments either directly or indirectly. If paid *directly*, a taxpayer delivers the assessed amount of taxes to the collector directly, but if paid *indirectly* he pays it in the form of rent or in the purchase price of articles that he consumes. To illustrate, the owner of a house usually pays a State tax, county tax, township tax (or city tax if he lives in a city) directly to the officers of these governments; but in case a house is rented, although the owner of the house hands over the money to the tax collector, the renter really pays it, for the owner charges more rent than he would if he had no taxes to pay. (See Sec. 44.)

During the World War the United States raised most of its revenue by direct taxation, *e.g.* income taxes and excess profits taxes. In times of peace, however, the United States government finds indirect taxes least objectionable: for example, the manufacturers of such articles as cigars, cigarettes, playing cards, and oleomargarine pay taxes to the United States government and then sell these products at a price high enough to

enable them to pay the tax and earn a profit. The person who uses the articles really pays the tax. (See Sec. 45.)

About two thousand articles imported into the United States from foreign countries are also taxed by the United States. The importer pays the tax and then sells the articles at an advanced price; so the consumer is really the man who pays the tax.

5. Increased Cost of Government. — The cost of the National government increased from an average of $2 per capita for the decade just before the Civil War to $10 per capita for the decade just before the World War — fivefold. But the government so safeguarded the citizen, promoted science, protected property, and encouraged industry that the average estimated wealth per capita during the same period increased from $300 to $2000[1] — nearly sevenfold. So it was easier for the people of the United States to pay an average of $10 a person for the support of the National government before the World War than $2 before the Civil War. The present high National taxes are a result of the war, and hence are temporary.

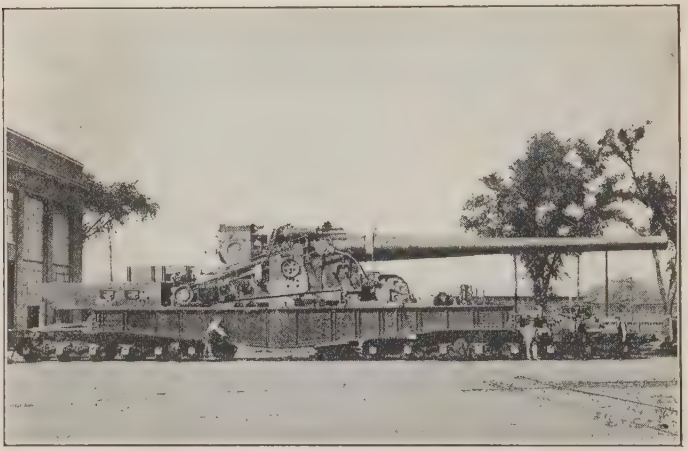
6. The Benefits of Government. — Many people fail to appreciate the benefits derived from the taxes they pay; but who would go back to the trail through the forest, the ford in the river, the muddy roads and streets, the log schoolhouse, the undrained swamps, the typhoid infested water, and all the other discomforts of former times, even if taxes were twice as high as they are now? Let us name and discuss briefly a few of the benefits of government.

(1) **Government Enables Us to Be Independent of Foreign Countries.** — As soon as the thirteen American colonies declared themselves independent of England they established State governments in order to gain their independence. When the separation was acknowledged by the mother country each State was so small that it was in great danger of being seized by one of the European powers, and in order to secure their independence

[1] The average estimated wealth per capita is now about $3000.

and have the European countries treat them as equals they were obliged to form a strong United States.

To-day, if it were not for the United States army and navy, our commerce upon the seas would be endangered by pirates and our homes and billions of dollars' worth of property in cities on navigable streams might be blown to destruction by the guns of hostile powers. No individual could protect his own property against such attacks because such protection requires



U.S. Army Official Photograph.

New Model 14″ Coast Defence Gun on Railway Mount.

the maintenance of an army and a navy which costs hundreds of millions of dollars a year. Of course nations would not destroy our property without some cause, but the cause might be an unreasonable one.

(2) **Government Protects Our Property from Criminals.** — If it were not for the sheriffs, constables, and policemen, persons who are known to carry large amounts of money would never be safe; indeed persons who carry any money would be in constant danger of being robbed. Furthermore, every night one would retire with the dread of being murdered for the few

pieces of silver in the house, and on getting up one would seldom find the bottle of milk which the milkman leaves at the door before daylight.

To-day if a crime is committed in your neighborhood, a policeman can be called by telephone, and if the criminal is not caught at once, news of the crime will flash to all near-by towns and cities. In some cities or thickly settled communities a thousand policemen can be notified in ten minutes. For instance, if a crime is committed in Princeton, New Jersey, the police headquarters of Trenton (ten miles away) and other near-by cities are notified. The Trenton headquarters will flash a light in the police box on each policeman's beat, and every policeman will see the signal, go to the box, and learn the nature of the crime by telephone.

(3) **Government Maintains Peace and Order.** — In our early days a fist fight was the most persuasive argument in settling a political dispute, and if the parties involved held a social position which made a fist fight unbecoming, a duel answered as well. To-day an officer is at hand to prevent a fight in any public place, and insults are commonly settled by libel or slander suits. When satisfactory courts exist to enforce the law, people of to-day frown upon those who attempt to settle their differences by physical force instead of resorting to the courts.

(4) **Government Performs Functions Which Would Be Unprofitable as Private Ventures.** — Individuals or companies would not find it profitable to perform any of the following functions in the large and accommodating manner in which our governments perform them.

(*a*) *Protection to Health.* — The Public Health Service is charged with preventing the importation of diseases from foreign countries or their spread from State to State.[1] It therefore oper-

[1] The Secretary of the Treasury, with the consent of the President, may authorize the Surgeon General of the Public Health Service to establish quarantines for preventing yellow fever, smallpox, or the plague from spreading from one State to other States.

ates our maritime quarantine stations. It coöperates with State and local health authorities in suppressing epidemics, making sanitary surveys, and conducting studies of public health administration; and it conducts extensive investigation in child hygiene, industrial sanitation, and the protection of water supplies. It also makes special investigations of such diseases as tuberculosis, influenza, pneumonia, anthrax, pellagra, plague, trachoma, typhoid fever, and Rocky Mountain spotted fever; it supervises and regulates the manufacture and sale of

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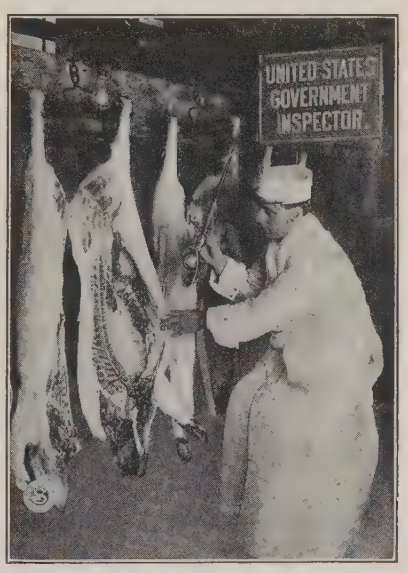
IMMIGRANTS AT ELLIS ISLAND AWAITING PHYSICAL EXAMINATION.

such biologic products entering interstate commerce as viruses, vaccines, therapeutic serums, toxins, antitoxins, used in the prevention and cure of diseases of man, in order to insure their good quality; and it disseminates public health information by means of various popular and scientific publications.[1]

Upon the recommendation of the Surgeon General of the Public Health Service, the President of the United States details

[1] These publications may be obtained by writing to the Surgeon General, U. S. Public Health Service, Washington, D. C.

officers to serve in consulates at Shanghai, Calcutta, Naples, Guayaquil, and some thirty other very important places in different parts of the world. It is the business of these highly trained officers to detect and prevent persons suffering from contagious diseases from embarking on vessels destined to the United States, and to obtain first hand information with regard to sanitary conditions and the prevalence of disease in such ports. American consuls who are stationed in some five hundred leading cities of the world also make reports of health conditions, which reports are placed at the disposition of the Public Health Service. Where there is no medical officer, the consul also aids in preventing the embarkation of persons suffering from contagious diseases. State and city health officers throughout the United States make reports of contagious diseases direct to the Surgeon General.[1]



A Government Meat Inspector.

A Seventeenth Century English author incidentally mentions the fact that every fourth person in a large representative audience was horribly disfigured by the smallpox. With our modern travel of persons and interchange of commodities in commerce we should never be safe from smallpox,

[1] The U. S. Public Health officers may be assigned to any military or naval duty the President directs; but the Army Medical Corps is responsible for the health of the fighting units on land and the Medical Corps of the Navy cares for the health of the fighting men while afloat.

cholera, yellow fever, and other dreaded diseases if it were not for our public health services. Should we begrudge the taxes we pay to insure us against such calamities?

States, counties, and cities also have their health departments to safeguard the health of the community. These departments educate the people in the prevention of diseases, establish quarantines, order general vaccination, and regularly inspect the water, milk, and other food supplies that are most likely to carry disease germs.

(*b*) *Protection to Life.* — In addition to the protection to life given by police officers and courts, many cities have building regulations limiting the height of buildings in proportion to the local fire protection, requiring fire escapes on high buildings, prescribing rules for sanitary plumbing and fire-proof wiring, and requiring that doors to public buildings open outward. Cities also have traffic regulations, such as limiting the speed of automobiles and prescribing how they shall pass corners, and requiring railroads to have watchmen at crossings.

States employ factory inspectors to see that workmen have fresh air, that boilers and elevators are in proper condition, and that dangerous machinery has safety appliances. The National government provides for the inspection of locomotives and steamboats, requires passenger vessels to have wireless equipment and life-preservers, supports wireless stations to notify vessels of storms, and maintains lighthouse and life-saving stations. Recently the United States government established mine experiment stations to experiment with life-saving devices in mines.

(*c*) *Care of Poor and Helpless.* — If it were not for our State governments most of the 290,000 insane persons who are in public asylums would be at large to annoy us and even endanger our lives. The 78,000 poor who are now cared for in public institutions would have to beg on the streets and at our homes, or steal, or else starve. (See Chapter XXIX.)

(*d*) *Free Education.* — Nearly $2,000,000,000 is spent annually for public free elementary and secondary education throughout the United States, or an average of nearly $200 for each high school pupil. The average cost in private high schools or academies is fully twice that of the public schools, not taking into account the extra cost of boarding. From these figures

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"A true university is a collection of books." — Carlyle.

it can be seen that poor parents with large families could not afford to educate their children if free schools were not provided by the government. Free libraries, art galleries, and museums are also established by governments, thus providing for all what the rich alone could otherwise afford. (See Chapter XXVIII.)

(*e*) *Protection to Public Morals.* — In many ways the National, State, and local governments are seeking to protect

public morals. The National government prohibits the manufacture or sale of intoxicating liquors for beverage purposes; the bringing of prize-fight films or lottery tickets into any State, and denies the use of the mails for carrying fraudulent matter. The National government has not the power to prohibit the sale and use of opium, but in its effort to limit its use as much as possible Congress has imposed a tax of $300 a pound on this drug manufactured for smoking purposes. It also imposes a license tax upon the sale of narcotics, and can therefore regulate the legitimate sale of this commodity and prosecute persons illegally selling it.

State and city governments regulate or prohibit the sale of cigarettes and prohibit gambling and other recognized forms of vice. Each State maintains one or more reformatories for incorrigible boys and girls, where they are trained to better citizenship. Cities commonly have censors to visit theaters, moving picture shows, and other such public places, to prevent immoral performances.

(*f*) *The Census.* — The United States census of 1920 was taken by 87,000 census collectors in a few weeks, but three years were required to tabulate the facts in detail although electric tabulating machines are used for the purpose. The facts fill a dozen large volumes and cost the government $22,000,000. Not only does this census give the number of persons of each race, color, sex, age, occupation, whether married or single, and whether able to write, but it gives detailed information regarding manufactures, agriculture, forests, and mines.

The census is especially valuable because it shows the condition of industry in each locality of the United States and thus assists legislators in remedying bad conditions. From these tabulated facts the general tendency of the country can be observed. For instance, it shows that 51.4 per cent of the population of the United States lived in cities in 1920 as compared with 46.3 in 1910, and that the total number of illiterates is becoming less though population is rapidly in-

creasing.[1] It also shows that in 1880 only 25 per cent of our farms were operated by tenants as compared with 38.1 per cent in 1920.

The volumes on manufactures and agriculture are especially valuable to persons interested in these industries. For instance, if a manufacturer of corn cutters, milk cans, or poultry food wants to know where there is a demand for his products he can learn the production of corn and the approximate number of cows and of chickens in each county in the United States.

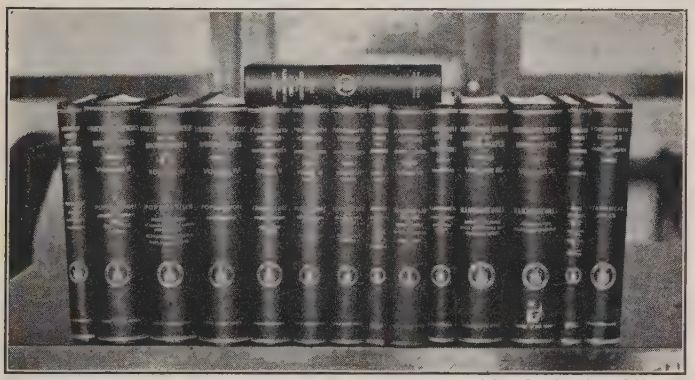


Photo by Harris and Ewing.

A Twenty-two Million Dollar Set of Books.

These books are compiled by the United States Government for your use.

Between the periods required for taking and tabulating the decennial census, the bureau is engaged in making various investigations, such as the wealth, debt, and taxation of the United States, States, and cities.

(*g*) *Aids to Commerce.* — The National government maintains lighthouses, beacons, and buoys, builds dams, digs canals, and dredges rivers and harbors. It coöperates with the States in building levees. States and counties build roads and bridges. Cities construct streets, bridges, and wharves.

[1] From 1900 to 1920 the degree of illiteracy among negroes was reduced from 45 per cent to 23 per cent.

(*h*) *Aids to Agriculture.* — The National, State, and county governments all give aid to agricultural industry. For instance, the Federal Department of Agriculture has a bureau of plant industry, with scientists to introduce valuable plants into the United States — *e.g.*, hardy wheat from northern Russia which resists wheat rust and thrives in dry climates, a variety of alfalfa from the plains of Turkestan which resists droughts,

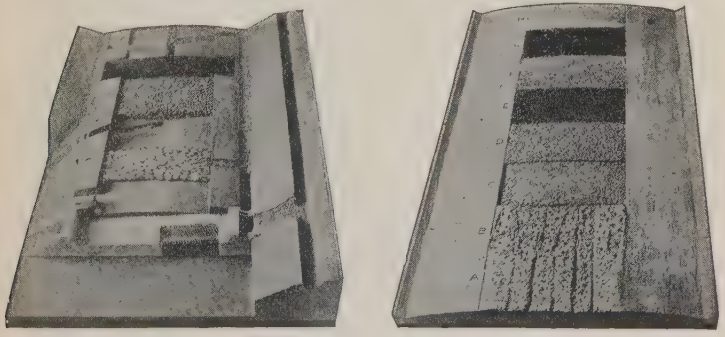
Weaving Treecloth Mattresses.
These mattresses are used to protect the banks of the Mississippi River.

Smyrna figs in California after twenty-five years of experimentation, and dates which are now successfully grown in the Southwest.

The Federal Department of Agriculture also promotes animal industry in various ways. The Texas fever had made the cattle industry unprofitable in many parts of the country when the government veterinarians discovered that the fever was carried by ticks. The ticks are now killed by driving the cattle through narrow vats filled with a chemical solution, and large areas have

been freed from this fever. Six times the department has driven the hoof and mouth disease back across the Atlantic. It has also discovered a serum and virus that makes hogs immune from cholera, an epidemic of which has bankrupted many a farmer.

In remote corners of the West mountain lions, bobcats, bears, wolves, and coyotes prey upon sheep, cattle, and horses. To combat these predatory animals this department maintains hundreds of hunters who use guns, traps, and poisonous baits with appealing odors. In one small region of Colorado where



A B

THE GOVERNMENT TEACHING THE ART OF ROAD-MAKING.

Models prepared by the Department of Agriculture showing the proper drainage (A) and construction (B) of roads.

sheep owners used to lose about twenty-five sheep a day, sheep now range unattended without loss. Rabies, prevalent among these animals, is spread rapidly to stock and to human beings. When an outbreak is discovered, hunters are concentrated to prevent its spread which would mean the loss of millions of dollars and many human lives. Various methods of killing prairie dogs, gophers, ground squirrels, jack rabbits, rats, and mice have been worked out by the department.

Not only have domesticated animals been protected from wild animals and diseases, but the stock has been improved by

MODEL OF CONCRETE ROAD CONSTRUCTION PREPARED BY THE U. S. DEPARTMENT OF AGRICULTURE.

scientific breeding. Even the honey-bee has been bred up and improved and is a better honey producer to-day than his remote ancestors.

The Agricultural Department prepares numerous bulletins for free distribution, which keep farmers informed as to the latest methods of farming. It also prepares bulletins for the wives of farmers, so many of whom are thin and old at thirty because they work fifteen hours a day without mechanical

United States Road Experiment Track.

helps while the husband buys machinery for the fields, but none for the household. These bulletins give the housewife such information as how to have running water in the house, how to can fruits, and how to operate a community laundry by the waste steam from the creamery.

Roads are built by State and local governments, but since 1916 Congress has appropriated to the States for a Federal-Aid Highway System more than half a billion dollars. (See Sec. 100.) The National government also carries on extensive experi-

ments with the various kinds of road material to assist the States in economical and durable road construction. For example, 61 sections of concrete, each of different quality or preparation, were constructed on a circular runway about 650 feet in circumference and about 4 feet wide. Rails laid at each edge of the runway guide an electrically driven car which runs automatically with such tires and weights as the experiment demands. Inside

Courtesy U. S. Reclamation Service.

ROOSEVELT IRRIGATION DAM NEAR PHOENIX, ARIZONA.

this track is a 13 foot roadway with 27 sections of asphaltic concrete of different mixtures on which an army truck runs day after day. In a recent experiment it was found that the maximum impact delivered in the tests by a truck equipped with pneumatic tires was only 175 per cent of the rear wheel load as compared with 700 per cent delivered by solid tires.

Since the National government began constructing irrigation plants, during the presidency of Roosevelt, it has constructed or is now constructing plants which water an area about equal

in size to the State of Connecticut, thus bringing barren lands into a high state of cultivation. One irrigation tunnel in Colorado is six miles long. The Roosevelt dam in Arizona, 280 feet high, sells electric power to Phoenix and Mesa and to large copper mines. The Elephant Butte dam in New Mexico holds enough water to cover 3,000,000 acres a foot deep. The Huntley project in Montana gives a demonstration of a canal which lifts itself by its own boot-straps. A waterfall furnishes power to raise a portion of the water to a plateau above, which is thus watered as well as the plains below.

(5) **Government Changes Old Laws in the Interest of Society.** — We inherited from England many common law rules which were developed by courts; but in recent years some of these rules have been replaced by more humane statutes. For instance, under the old rule, when an employee was injured and sued an employer for damages, the employee had to prove that the employer had been negligent. To meet this proof the employer could use any of the following defenses: contributory negligence on the part of the employee, negligence on the part of a fellow servant, or assumption of risk.

To illustrate, a young woman, whose hair was dishevelled because of the heat, had her scalp torn off by a laundry mangle, but she could not obtain damages because the employer showed that she had contributed to the accident. A workman injured in a quarry by a runaway car could not obtain damages because a drunken fellow workman had released the car. And, a woodsman could not obtain damages for injuries caused by a falling tree because he had assumed the risk of this dangerous occupation.

State after State has abolished the three old common law defenses, and to-day in most States the injured in designated industries are compensated even though they have been careless. This compensation is paid from workmen's compensation insurance funds maintained principally by employers. It is now considered better to place the cost of all injury upon the industry rather than upon the individual.

(6) **Government Performs Functions in the Interest of the Community without Profit Which as Private Ventures Would Have to Be Performed for Profit.** — If the National government had not built the Panama Canal it would probably have been built as a private venture. Much of the western land irrigated by the National government would have been irrigated by private companies. If the National government had not built the Alaskan railroad, private capital would have; and if the United States had not established a postal system, private capital certainly would have organized such a system. All of these enterprises are now conducted in the interest of the community irrespective of the profit they might yield, whereas private companies would have to conduct them so as to secure profits.

Of these national ventures the postal system is the most interesting. Originally such systems were maintained by governments of the Old World to carry messages for the king and ministers of state. The carrying of letters for the public was added later, and as late as 1860 the sole business of the United States post office was to carry letters, papers, and small packages from one office to another, where they were distributed from a window. Now it supplies city and rural carriers, special delivery messengers, street boxes, registry, postal cards, stamped paper, stamp books, and cancelling machines. It maintains a money-order system, a parcel post system, and a savings-bank system.

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Questions on the Text

1. Why is government important?
2. How much is spent by our National government each year? By our State, county, and other local governments?
3. What is the average cost of government per capita in the United States?

4. How is the cost of government borne, and by whom?
5. Is the cost of government becoming more or less of a burden?
6. Name and explain the benefits of government discussed in the text.
7. How much is spent on public free education in the United States annually?
8. How is the health of citizens of the United States protected from contagious diseases prevalent in foreign countries?
9. What great services have been rendered the American people by the United States Public Health Service?
10. In what way are the public morals of your community regulated?
11. What is the census of the United States? What did the census of 1920 cost, and what are its benefits?
12. What service has the Agricultural Department of the United States performed for American farmers?
13. Explain how the government changes old laws in the interest of society.
14. Why is it better to have some lines of business conducted by the government instead of by individuals?

Questions for Discussion

1. What connection is there between free public schools and government by the people?
2. Is it cheaper to send articles by mail or by express? How many pounds may be sent by mail? How does the parcel post encourage commerce?
3. What would be the effect upon the stock-raising industry if there were no cattle quarantine regulations?
4. It has been said that society would drift into barbarism in a generation if it were not for religion and public opinion. What would be the effect upon society if all governments ceased to exist?
5. Why are taxes lower in China than in the United States? Give arguments in favor of high taxes.
6. Do you think that only taxpayers should be permitted to vote? Who are the taxpayers?
7. In 1920 there were 2,000,000 more males than females in the United States. Where could you verify this fact? What practical use could a manufacturing firm make of the fact that there are 66,000 more women than men in Massachusetts and 168,000 more men than women in Michigan? What industries of these two States account for these facts?
8. Why do governments enact laws regulating the following: (*a*) workmen's compensation; (*b*) minimum wage; (*c*) hours of labor;

(*d*) widows' pensions; (*e*) employment bureaus; (*f*) food; (*g*) weights and measures?

9. Is the regulation of savings banks, building and loan associations, trust companies, and life insurance companies more in the interest of the rich or of the poor?

10. Jefferson had some doubt as to the propriety of a National post office, thinking it might be better to leave the carriage of letters to private enterprise. Do you think post offices in private hands would have resulted in the following:

In the reduction of postage on a four-page letter from Boston to Charleston from one dollar to two cents?

In reducing the rates of postage before commercially profitable in order that intercourse may be maintained between scattered friends, and thus strengthen our nation?

In establishing rural free delivery although it is not self-sustaining?

In carrying public documents free and thus saving millions of dollars for the government?

In establishing free postage for county newspapers? All periodicals have been carried for less than cost to cement our Union through free interchange of thought.

In establishing five mail routes in the fifties to encourage settlement between the Mississippi River and California? The business of one typical year showed postal receipts of $39,775 and expenditures of $1,446,447. The arrangement was really a bonus to Wells Fargo and other companies to maintain stage routes.

In establishing air routes to promote aviation as well as rapid communication?

CHAPTER II

DEVELOPMENT OF THE STATE

7. Introduction. — In living organisms there is a continual tendency for the simple to develop into the complex, and so it has been with organized society — the state. In the beginning very few functions were performed by the state, but new discoveries and inventions created new social and economic conditions which could be solved only through the united action of society; so the state has developed to its present position along with these various social and economic changes.

A Primitive Fisherman.

At some time in the history of the world the ancestors of every race of people lived in a rude, uncivilized manner. The want of food and of other material comforts brought suffering; superstition brought fear; and lack of wisdom brought misunderstanding, quarreling, fighting, war. From this rude condition some peoples have advanced through many stages of social and economic development in the upward trend of the human race. The most highly developed nations have gradually advanced through the following stages: hunting and fishing, pastoral, agricultural, commercial, manufacturing, and capitalistic. Each social or economic stage demanded a more extensive

organization; and in turn, each extension of political organization made possible the advance to a more complex social or economic stage.

8. Hunting and Fishing Stage. — During the hunting and fishing stage of each race the mode of living was but little above that of beasts. Men lived from hand to mouth in the struggle for existence. Ownership in land was unknown, but each savage horde had temporary hunting grounds beyond which their members went at their peril. They had little need and less capacity for political organization.

A Shepherd with His Flock.

9. Pastoral Stage. — When an ingenious horde saved alive the young of wild animals and domesticated them, an epoch-making step was taken. By a little foresight and self-denial food was on hand for times of scarcity. The abundance of flesh foods gradually banished cannibalism, especially when it was perceived that a muscle of a captive was worth more for labor than for food. Permanent food supplies and slaves gave leisure and opportunity for meditation. Wandering hordes became family tribes bound together by the common possession of flocks and herds. These possessions aroused the envy of neighboring bands, and organization for defence became necessary. The patriarch of a family became leader of this organization and developed absolute authority to the extent of life and death over his wives, sons, daughters, sons' wives and children, and slaves. In reality he was an absolute ruler over a "family state."

10. Agricultural Stage. — The possession of flocks made the habitation of man sufficiently permanent to make possible the planting of seeds with the thought of ultimately reaping the harvest. Slavery became more profitable, the possession of land became necessary, and ownership desirable. As family tribes gradually sent out clans to establish new village communities, common blood, common religion, and common economic interests held them together in loose confederations for social and commercial intercourse and for self-defence. In short, the necessary elements of a modern state existed: law and authority, definiteness and permanence of organization, and a consciousness of political unity.

Primitive Agriculture.

An Early Type of Merchant Vessel.

11. Commercial Stage. — Wealth in flocks, herds, and agriculture multiplied man's needs. Commerce met the demand. Yoked beasts of burden, sailboats, and forms of money as a medium of exchange gave the merchant a place in civilization. Cities developed at convenient locations on trade routes. Coöperation against pi-

rates and robbers and regulation of city populations made city states necessary.

12. Manufacturing Stage. — The establishment of cities and commercial routes encouraged manufacturing, and in turn manufacturing gave a further contribution to commerce. During the manufacturing stage, hand implements slowly gave way to machines. For example, the hand spindle of prehistoric times was replaced by the spinning wheel in 1530; and late in the eighteenth century steam power was applied to the manufacture of cloth. This process brought people from scattered farms into growing towns and cities. City life brought experience and education to the people, and enabled them to wrest their rights from absolute monarchs or privileged nobles.

A Primitive Hand Loom.

13. Concentration of Capital. — One outcome of the conditions mentioned above is the concentration of capital, especially in large cities. Advanced nations have developed expensive factory machines which make large-scale production profitable. The maintenance of such factories requires large capital. Similarly the application of steam to boats and rail-

The National City Bank of New York.

roads which bring raw material and food supplies to the manufacturing plants and distribute the output to distant consumers, also makes necessary the concentration of capital. The development of banking systems has aided in bringing about the same situation. The result is that unless checked by law, there is a possibility of nation-wide and even world-wide monopolies. World-wide monopolies could control prices and the wages of the workmen. To avoid this danger laws like the Sherman Anti-trust Law have been framed.

The Government in the Express Business.

14. Coöperative Stage. — In reviewing the foregoing stages of social, economic, and political development it will be noted that the first duty of politically organized society, or the state, was the protection of life and movable property; then the regulation of land was added; and now commerce and manufacturing are regulated by law. If the price of any commodity is unduly advanced by a combination of capitalists seeking unreasonable profits or a group of laborers demanding unfair

wages, the people are disposed to use their power, the state, to prevent it. In other words, government recognizes as one of its duties coöperation with all the people to look out for the best interests of all.

Some have urged a further development of the coöperative stage in the form of government ownership of large businesses, which would be conducted by the Government in the same manner that it now conducts postal and parcel-post business; or as many European states conduct express, telegraph, and railroad

Courtesy, World's Work, Vol. 23.

Republican Government Sixty Years Ago.

businesses. While government ownership of the post office is indispensable, the danger of developing the coöperative stage too far is that it tends toward the type of communism which has had such unhappy results recently in Russia.

15. How a State Exercises Its Powers. — A *state*[1] is an organized body of people living within a limited territory and having power to make and enforce laws without the consent of any

[1] Throughout this volume the word *state* printed with a small "s" denotes an independent state belonging to the family of nations, as England, France, the United States; the word *State* printed with a capital "S" refers to one of the members of the United States of America, as Maine, Pennsylvania, Virginia.

higher authority.[1] A *government* is the agency through which a state's purposes are formulated and executed. If the agents who run the machinery of government are under the absolute control of one person, an *absolute monarchy* is said to exist; but if the monarch is restricted in his powers, the government is known as a *limited monarchy*. If the people select their own agents to run the government without a monarch, a *republic* exists.[2]

If the citizens of a state are uneducated and incapable of choosing representatives, or unwilling to abide by laws which

Courtesy, World's Work, Vol. 23.

REPUBLICAN GOVERNMENT TO-DAY.

their representatives make, an absolute monarchy may be the only form of government able to hold the state together. At one time England was an absolute monarchy, but in 1215 the nobles compelled the king to sign the Magna Charta and thereby to yield certain of his powers; in 1689 the king signed the Bill of Rights, in which he transferred many powers to the representatives of the people in Parliament; and from time to time powers have been transferred until to-day the King of England is much less powerful than the President of the United States.

[1] A state is the sum total of all its citizens — men, women, and children.

[2] If any state were small enough for the people to assemble and make their laws directly, a *purely democratic government* would exist.

The people of England now rule through their representatives in Parliament as truly as the American people rule through their representatives in Congress. Thus we see that an absolute monarchy is limited in proportion to the enlightenment of the citizens and in time naturally gives way to a limited monarchy, as in England, or to a republic, as in France.

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Questions on the Text

1. Name six stages of social and economic development.
2. Describe these six stages and explain how each developed into the other.
3. How have economic development and political development depended upon each other?
4. What stages of economic and political development have been attained by the following nations: American Indians when America was discovered? The Jews at the time of the patriarchs Abraham, Isaac, and Jacob? France during the days of feudalism? The Phœnicians about 1000 B.C.? England about 1800 A.D.? The United States to-day?
5. Under what conditions may the coöperative stage develop in the United States?
6. What is a *state?* What is a *government?* Distinguish clearly between a state and a government.
7. Distinguish between *state* and *State* as used in this text.

Questions for Discussion

1. The first function of the State was to protect life and property; now it provides conveniences and comforts. In the future do you think it should further encourage our sense of the esthetic or beautiful? Do you think it should prohibit billboards on a person's vacant lot if they mar the beauty of the town or landscape?

2. The United States has recently built and is operating a railroad in Alaska. Do you believe that the United States or your State should develop further into the coöperative stage by owning and operating railroads? Express systems? Telegraphs? Telephones? Wireless? Forests? Water power plants? Coal mines? Banks? Insurance companies?

3. Do you think your county should establish a jitney bus system? What would be the advantages or disadvantages of such a system?

4. Do you think your town should install a water system? Electric power system? Gas system? Jitney bus system?

5. Do you think your city should establish an ice plant? Heating plant?

6. There was no great need of laws governing copyrights until long after the printing press began its work. The invention of the steam engine created a need for what character of laws? The automobile? The moving pictures? The wireless? The airplane?

7. The government of Great Britain includes a king, parliament, ministry, cabinet, and prime minister. The kingship is hereditary, and nominally has retained such ancient powers as dissolving parliament, declaring war, making treaties, and granting pardons; but practically the king exercises none of these powers until advised to do so by the prime minister.

The Parliament is composed of a House of Commons and a House of Lords. The House of Commons consists of members elected by manhood and womanhood suffrage for a term of five years, or less if the House is dissolved. The House of Lords consists of peers appointed by the king upon the advice of the prime minister, and is hereditary with their eldest heirs.

The ministry consists of the heads of about fifty departments appointed from the two houses by the king upon the advice of the prime minister. Of these about a score are invited by the prime minister to become his advisors, and are called the cabinet.

The prime minister is leader of the party which dominates the House of Commons and is invited by the king to name the other ministers and conduct the government. The policies of the government are determined and the most important bills are prepared by the cabinet. If the House rejects one of these bills the ministry either resigns or the prime minister directs the king to dissolve Parliament and call a new election. The fate of the measure is then determined by the new House. If the bill is again rejected the ministry usually resigns.

The House of Lords cannot reject a finance bill but may delay it thirty days. Other public bills rejected by the House of Lords become

law without their consent if repassed by the House of Commons at each of the two succeeding sessions.

The king has not dared to veto a bill for two hundred years. On one occasion Prime Minister Gladstone presented a bill to Queen Victoria in a manner which she resented. She said, "I am the Queen of England." Gladstone replied, "I am the People of England." Explain the significance of this reply. Is England in reality a monarchy or a republic?

8. The government of Great Britain is known as a parliamentary government, or a responsible government, because the executive branch is responsible to the legislative branch. Practically all governments outside of America have followed this parliamentary system. Our American system is known as a presidential or executive government because the executive branch is independent of or coördinate with the legislative branch. All Latin-American governments have followed this executive system. Do you agree with Professor Burgess in his following defense of the American system? He says: "I think that we are upon the right line, and that those nations which have developed parliamentary government are beginning to feel, as suffrage has become more extended, the necessity of greater executive independence. Parliamentary government, *i.e.*, government in which the other departments are subject to legislative control, becomes intensely radical under universal suffrage, and will remain so until the character of the masses becomes so perfect as to make the form of government very nearly a matter of indifference. There is no doubt that we sometimes feel embarrassment from a conflict of opinion between the independent executive and the legislature, but this embarrassment must generally result in the adoption of the more conservative course, which is far less dangerous than the course of radical experimentation. . . . The feature *par excellence* of the American governmental system is the constitutional, independent, unpolitical judiciary and the supremacy of the judiciary over the other departments in all cases where private rights are concerned."

CHAPTER III

ORIGIN OF THE FEDERAL CONSTITUTION

16. Colonial Government. — In the year 1607 the first permanent English settlement in America was made at Jamestown, Virginia, by colonists whom a commercial corporation, known as The London Company, sent out from England. The Company placed a council with a president over the colonists until 1609, when a governor replaced the president. In 1619 the Company permitted the addition of a general assembly composed of burgesses [1] elected by the inhabitants of each settlement.

This assembly, the first representative legislature that ever sat in America, met on the 30th day of July, 1619, in the chancel of the church at Jamestown. In 1624 the London Company surrendered its charter, and henceforth Virginia was known as a Royal Colony until it declared itself independent of England in the year 1776. The other twelve colonies were established in various ways and from time to time enjoyed different rights or degrees of self-government. According to the mode of government the colonies were divided into three classes: Royal, Proprietary, and Charter.

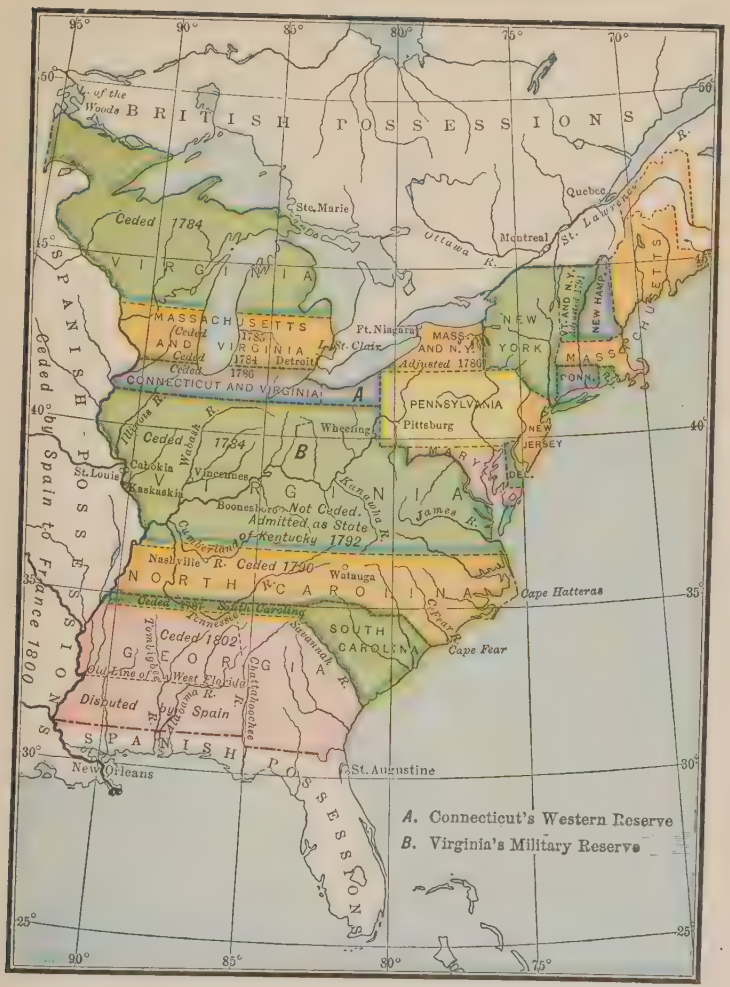
The Royal Colonies. — At the time of the Revolution, 1776, there were seven Royal colonies: New Hampshire, New York, New Jersey, Virginia, North Carolina, South Carolina, and

[1] The term "burgesses" was used because it was expected that the settlements would develop into boroughs (towns). After 1634 the "burgesses" represented counties, and in 1776 the name was changed to "assemblymen." Virginia called its colonial representatives "House of Burgesses"; South Carolina, "House of Commons"; Massachusetts, "House of Representatives."

Georgia. For each of these colonies a governor and a council, "upper house," were appointed by the King, and a popular assembly, "lower house," was elected by the people. The governor in conjunction with his council and assembly ruled the colony in conformity with written instructions issued from time to time by the Crown. There was no written charter between the colony and the King, nevertheless various concessions that the Crown made to the people and the customary mode of government formed a traditionary charter or constitution.

The Proprietary Colonies. — In 1776 there were three Proprietary colonies: Pennsylvania, Delaware, and Maryland. These colonies got their name, "Proprietary," from the term *proprietor,* which was applied to a "petty king" to whom the King of England had granted the land. For each of these colonies a governor and a council were appointed by the proprietor and a popular assembly was elected by the people. Hence we may think of a Proprietary colony as very similar to a Royal colony, the only material difference being that the proprietor, or "petty king," was obliged to concede more rights and privileges to the people than the King would grant. As in the case of the Royal colonies, the concessions and precedents of government formed a traditionary charter or constitution.

The Charter Colonies. — In 1776 there were three Charter colonies: Massachusetts, Rhode Island, and Connecticut. Unlike the other two classes of colonies, a real charter existed between each of these colonies and the King. This charter was a written document outlining certain rights of self-government which could be withdrawn by the King at any time he saw fit to do so. In each of these colonies, except Massachusetts, the governor was elected by the people; in each the council was elected by the assembly; and in each the assembly was elected by the people. The charters of Connecticut and Rhode Island were so liberal that by substituting the word "people" for "King" these colonial charters served as State constitutions until 1818 and 1842 respectively.



THE UNITED STATES IN 1783 — STATE CLAIMS AND CESSIONS

17. Legislative Powers. — In all of the colonies, except Pennsylvania where the council had no legislative power, there were two branches of the legislature and a governor with the power of vetoing measures passed by the two branches. Legislation was enacted on purely colonial affairs. In matters of general interest to the whole British Kingdom the British Parliament or the King exercised control. It was often a disputed question whether a particular affair was purely colonial or a matter of general interest to the whole Kingdom; and the question whether or not a stamp tax to support a standing army in America was a tax which the British Parliament had a right to impose upon the colonies was decided only by the Revolutionary War.

CARPENTER'S HALL, PHILADELPHIA.
The first Continental Congress met here.

18. Continental Congresses. — In 1774 the Virginia House of Burgesses issued an invitation to all of these colonial assemblies, calling a meeting of delegates at Philadelphia to consider what could be done to meet their common grievances. This Congress, in which all the colonies except Georgia were represented, is known as the First Continental Congress. It adopted a declaration of rights and grievances to be presented to the King, and adjourned.

In 1775, after the battle of Lexington, the Second Continental Congress met at Philadelphia, with representatives from all thirteen colonies. Schouler, the great historian, has concisely described the work performed by this body in the following:

" The Continental Congress . . . with its periodical sessions and frequent changes of membership bore for fifteen years the symbols of Federal power in America; which, as a single house of deputies acting by colonies or States, and blending with legislative authority imperfect executive and judicial functions, raised armies, laid taxes, contracted a common debt, negotiated foreign treaties, made war and peace; which, in the name and with the assured warrant of the thirteen colonies, declared their independence of Great Britain, and by God's blessing accomplished it; which, having framed and promulgated a plan of general confederation, persuaded these same thirteen republics to adopt it."

19. The Articles of Confederation. — The authority for the acts of the Second Continental Congress rested upon no definite grant of powers by the colonies, but was assumed by it to meet the crisis of war. However, a plan of perpetual league and a statement of the powers which the Continental Congress might exercise was framed and proclaimed by the Second Continental Congress in 1777.

This scheme of union was set forth in a paper termed " The Articles of Confederation." These articles did not go into effect until 1781 because it was necessary for them to be ratified by all the States of the Confederation before they could become the law of the land, and it was not until that year that the ratification of Maryland was secured.

These articles provided that each State should be represented in this Confederate (Continental) Congress by not less than two or more than seven members, to be elected annually and to be subject to recall by the legislatures of the respective States; but each State should have only one vote. This body had power to declare war, enter into certain treaties and alliances with foreign nations, borrow money, coin money, establish post offices, regulate the affairs of all Indians not members of the States, together with a few less important duties.

The expenses of this government were to be paid by taxes

raised through the respective State legislatures, the amount to be paid by each State being in proportion to the value of all real property within its boundaries. The compensation of the delegates was paid directly by the State which they represented.

The distinctive features, which also proved to be the greatest defects, of the Articles of Confederation were:

(1) One vote for each state, to which the larger States naturally objected.

(2) Want of power by the central government to act directly on individuals. The articles bestowed upon Congress no direct power to raise revenue other than to borrow money. The States retained this power and they frequently refused to collect the amount of taxes demanded of them by Congress.

(3) Want of means for enforcing obedience to the Acts of Congress. They provided neither for an executive, except committees, nor for permanent courts. A single State could disregard any law, or treaty, which fact was soon recognized by foreign countries, and clearly expressed by Washington, who said: "We are one nation to-day and thirteen to-morrow. Who will treat with us on such terms?"

(4) Want of power by the central government to regulate commerce with foreign countries and between the several States.

(5) Unanimous consent of the thirteen States for amendment of the Articles of Confederation. The consent of nine of the States was required for all important ordinary laws. To obtain these unusual majorities was practically impossible.

20. The Critical Period. — The independence of the thirteen States was recognized in 1783, but a large national debt remained unpaid, upon which the interest was not met, because only about one fourth of the revenue which Congress asked of the States was collected. Under these circumstances even the existence of Congress was threatened. For example, some eighty drunken soldiers of the Pennsylvania line mutinied from want of pay and forced Congress to flee from Philadelphia to Princeton, where the college afforded it shelter.

In 1785 Congress made a final attempt to raise the necessary revenue by endeavoring to add an amendment to the Articles of Confederation levying a tax on imports. New York reaped the benefit of a State tax on imports and refused to agree to this amendment, so the measure failed. To save expense some States failed to send delegates to this Congress, and unfortunately many of those that attended were not the leading statesmen who were present during the period of the war. The condition was so bad that the French minister was prompted to write to his country thus: "There is now no general government in America, no head, no Congress, no administrative department."

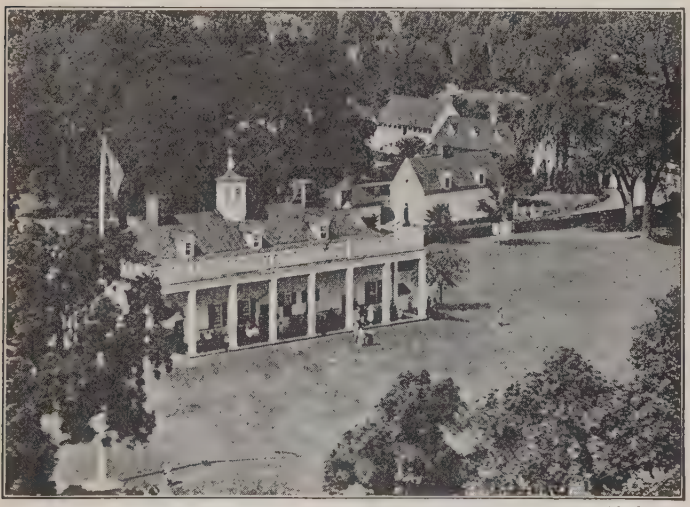
In colonial days there had been little communication between the colonies, and as soon as peace was restored the States began to fall apart, and to manifest their sectional hatred by commercial discrimination.

The following quotation from Fiske well illustrates the existing conditions:

"The city of New York with a population of 30,000 souls had long been supplied with firewood from Connecticut, and with butter and cheese, chickens and garden vegetables from the thrifty farms of New Jersey. This trade, it was observed, carried thousands of dollars out of the city and into the pockets of the detested Yankees and despised Jerseymen. 'It was ruinous to domestic industry,' said the men of New York. 'It must be stopped by . . . a navigation act and a protective tariff.' Acts were accordingly passed, obliging every Yankee sloop which came down through Hell Gate and every Jersey market boat which was rowed across from Paulus Hook to Cortlandt Street to pay entrance fees and obtain clearances at the custom house, just as was done by ships from London and Hamburg; and not a cart-load of Connecticut firewood could be delivered at the back door of a country house in Beekman Street until it should have paid a heavy duty. Great and just was the wrath of the farmers and lumbermen. The New Jersey legislature made up its mind to retaliate. The city of New York had lately bought a small patch of ground on Sandy Hook, and had built a light-house there. This light-house was the one weak spot in the heel of Achilles where a hostile arrow could strike, and New Jersey gave vent to her indignation by laying a tax of $1800 a year on it. Connecticut was equally prompt. At a great meeting of business men, held at New London, it was unani-

mously agreed to suspend all commercial intercourse with New York. Every merchant signed an agreement, under a penalty of $250 for the first offence, not to send any goods whatever into the hated State for twelve months."[1]

The tariff system of Virginia imposed higher duties upon imports than those imposed by the system of Maryland, and naturally all articles which could be distributed from Maryland as



Official Photograph, U. S. Army Air Service.

MOUNT VERNON, THE HOME OF WASHINGTON.

well as from Virginia were brought to Maryland instead of to Virginia. Virginia retaliated by imposing a toll upon vessels entering Chesapeake Bay between the Virginia capes. Maryland disputed the right of Virginia to impose these tolls. To settle this dispute, as well as to reach an agreement upon other uniform rules governing the Chesapeake Bay and Potomac River, commissioners from Maryland and Virginia met at Alexandria, but upon the invitation of Washington moved to Mount Vernon.

[1] "The Critical Period of American History," p. 146.

Through discussion the commercial difficulties were found to extend beyond the two States, and the commissioners recommended that Delaware and Pennsylvania be invited to meet with them the following year, 1786. Maryland did better; she invited *all* the States to meet at Annapolis. However, only five States sent delegates, and these, after concluding that it was necessary to amend the Articles of Confederation before any real commercial progress could be made, adjourned to meet at Philadelphia in 1787.

21. The Constitutional Convention. — Virginia was the first State to announce her delegates for the Philadelphia Convention. They were Washington, Madison, and Edmund Randolph. The name of Washington inspired confidence. In May, 1787, delegates from all the States except Rhode Island assembled, fifty-five able delegates being present. Washington was chosen President of the Convention, and it was agreed that each State should have one vote, and that the sessions should be secret.

Drafting the Federal Constitution. — Immediately the Convention divided into two factions — the one representing the smaller States and the other the larger States. Randolph of Virginia presented the Large State Plan, or the so-called "Virginia Plan," which proposed a Congress of two houses with power to legislate on all national matters and to compel obedience on the part of the States. Representation in both houses was to be based on population, thus giving the larger and more populous States the control of both branches of the legislature; furthermore, since by this scheme the President, executive officers, and judges were to be appointed by Congress, supervision of the whole administration of the new government would be under the control of the larger States.

Patterson of New Jersey introduced the Small State Plan, or the so-called "New Jersey Plan," which provided for a Congress consisting of one house. According to this plan each State was to have equal representation.

The result was a compromise. It was agreed that there

should be a legislature of two houses: a Senate, the less numerous branch, and a House of Representatives, the more numerous branch. In the Senate each State was to have an equal representation, thus putting the small States on an equal footing with the large ones; but in the House of Representatives the representation was to be according to population, thus favoring the larger States.

It was also decided by the Convention that the Constitution should be considered ratified and should go into effect as soon as accepted by nine of the thirteen States. Persons favoring the adoption of the Constitution by their respective States were called Federalists, and those opposing it were called Anti-Federalists. From this contest rose the first political parties in the United States.

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INDEPENDENCE HALL.

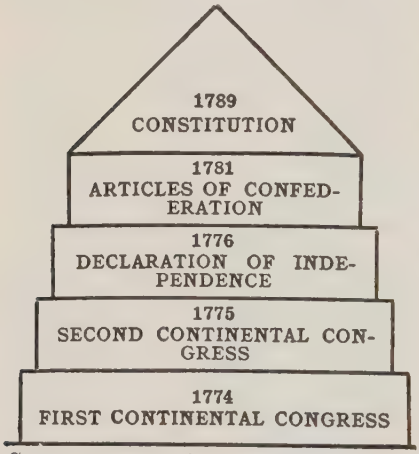
Pennsylvania's Old State House in Philadelphia, where the Declaration of Independence was signed, and where the Federal Constitutional Convention met.

The Convention adjourned in September, having been in session a little over four months. Gladstone, the famous English statesman, considered this Constitution the greatest work ever struck off at one time by the hand of man.

The fundamental difference between the new Constitution and the old Articles was that the Constitution provided an adequate executive and judiciary to enforce the Federal laws directly upon the individual instead of depending upon the indi-

rect enforcement by the State governments, which had enforced only such as they individually approved.

Arguments For and Against Adoption.—The Federalist Party with such leaders as Hamilton, Washington, and Marshall favored the proposed Constitution because it established a strong National government. This party was especially strong in commercial New England, where the weakness of the old Confederation and the tariff discriminations of the States were brought forcibly home.



STONES IN THE MONUMENT TO UNION. Adapted from Forman's "Advanced Civics."

The arguments of the Federalists appeared in a collection of eighty-five essays, called "The Federalist," written by Alexander Hamilton, John Jay, and James Madison. These essays contain an excellent exposition of the Constitution.

The Anti-Federalists, such as Patrick Henry and George Clinton, favored strong State governments and a comparatively weak National government. They felt that too much power was given to the central government and that State liberty would be crushed out. Patriotism at that time was devotion to the State. A citizen of Virginia abroad called himself a "Virginian" and not an "American." The Anti-Federalists compared a strong National government to the English government, by which they had so recently felt oppressed, and they declared that it would be a government founded upon the destruction of the governments of the several States.

A further objection was that the Constitution contained no definite "bill of rights" guaranteeing to individuals such fun-

damental liberties as freedom of speech, liberty of the press, assurance against unjust arrest, and trial by jury. The Federalists practically agreed to add these guarantees, which promise was fulfilled by the adoption of the first ten constitutional amendments in 1791. It was feared that a President might become so popular as to obtain life tenure of office, and thus the government might degenerate into a monarchy. Patrick Henry cried, "We shall have a King; the army will salute him monarch."

By June, 1788, the Federalists prevailed. New Hampshire,[1] the ninth State, ratified. The Continental Congress provided for the election of a President and his inauguration on March 4, which day has since been observed as the beginning of a new term of office. Owing to a delay in the assembling of the new Congress, which Congress had to count the electoral vote, Washington was not inaugurated or our new government put into actual operation until April 30, 1789.

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Questions on the Text

1. Name the three kinds of colonies and describe the characteristics of each.

2. When did the First Continental Congress meet? Where?

[1] The Constitution was ratified by the several States in the following order: Delaware, December 7, 1787; Pennsylvania, December 12, 1787; New Jersey, December 18, 1787; Georgia, January 2, 1788; Connecticut, January 9, 1788; Massachusetts, February 6, 1788; Maryland, April 28, 1788; South Carolina, May 23, 1788; New Hampshire, June 21, 1788; Virginia, June 26, 1788; New York, July 26, 1788; North Carolina, November 21, 1789; and Rhode Island, May 29, 1790.

3. What was done by the First Continental Congress?

4. When did the Second Continental Congress meet? Where?

5. What was accomplished by the Second Continental Congress?

6. What were the Articles of Confederation? When were they framed? When ratified? Why the delay?

7. What were the powers of the Confederate (Continental) Congress?

8. Name five distinctive features of the Articles of Confederation which proved to be their greatest defects.

9. Describe the unsatisfactory conditions existing during the Critical Period. What dispute arose between New York and New Jersey? New York and Connecticut? Maryland and Virginia?

10. When and where was the Constitution drafted?

11. What was the "Virginia Plan"? The "New Jersey Plan"? What was the compromise?

12. How many States were required for the ratification of the Constitution?

13. What was the fundamental difference between the Constitution and the Articles of Confederation?

14. Who favored the adoption of the Constitution and what argument did they use for its adoption? Who opposed it and what were their arguments?

15. In what year was the required number of ratifications obtained?

16. When was Washington inaugurated as first President of the United States?

Questions for Discussion

1. Let five pupils report on the experiences commemorated by the five stones of the pyramid.

2. Prepare a five-minute paper on "The Critical Period of the American Confederation (1781–1789)." Consult Fiske's "Critical Period of American History."

3. What did the individual State gain by entering the Federal union? What did it lose?

4. If our thirteen states had not united, what nation would probably control northern New England? Florida? Louisiana? Texas? California? Washington? Wisconsin? Minnesota?

5. Which of the following arguments in favor of a league of nations were also applicable to our thirteen states at the time of their union?

(*a*) Steamships are drying up oceans, airplanes are removing mountains, and wireless is actually eliminating space; that is, scientific inventions have increased the causes of international conflict because nations of different religions, customs, and languages have been brought

together. Steamships bring Japanese to the United States, airplanes bring liquor from Mexico, and wireless exchanges yellow journal comments before the facts are known.

(*b*) Progress is made by coöperation; hence we should not fight but should coöperate with our commercial competitors in developing all backward countries, and thereby create trade enough for us all.

(*c*) Every community that enjoys peace and order has government. The township, the county, the State, and the United States of America have peace and order because they have governments to secure it. But in the international community where nations meet to settle their complex relations, just as individuals meet in their community, we have had no impartial officers to adjust their differences. Public opinion and noble impulse must be organized to enforce its will upon the selfish.

(*d*) Justice is maintained by impartial laws that are enforced by impartial tribunals.

(*e*) War takes lives, destroys property, consumes natural resources, and hence increases the cost of living. Therefore, we should settle international disputes by ballots and not by bullets.

CHAPTER IV

THE FEDERAL SYSTEM OF GOVERNMENT

22. Confederate and Federal Government Distinguished. — The Constitution of the United States provides a federal combination of States as distinguished from the loose leagues or confederations of the ancient Greeks and as distinguished from the unitary state of the present-day French. In 1787, when our Constitution makers changed the thirteen *confederate* States into thirteen *federated* States, they showed to the world a type of government never before tried.

Greek confederations, the Holy Roman Empire (800–1806), the Swiss Confederation (1291–1848), and the American Confederation (1781–1788) depended upon the governments of the States composing them to enforce all laws. In fact, this old type, known as *confederations*, was at best, scarcely more than an arrangement for offensive and defensive alliances. On the other hand the new type, known as *federations*, is a close union which enforces its laws directly upon the people, and, with few exceptions, through its own officers.

23. Advantages of Federal Government in the United States. — The system of federal government in the United States retains the advantages of local self-government for the States as well as secures the strength which results from union. This system of state-making is the most complicated of all methods, but is at the same time the most stable. Not only are the American people enabled to protect their liberties through representation in Congress, but in such matters as religion, suffrage, marriage, and divorce, which produce determined sentiments, the American federal system gives consideration to the wishes of the people of each State.

Texas can tax church property or not as it thinks best; South Carolina can have the educational test to exclude negroes from voting; Oregon can require a certificate of health for marriage; and Nevada can divorce those who desire it. And further, if the peace of Texas should be disturbed by Mexican invaders, Texas could depend upon the assistance of the remaining forty-seven States for defence; and should yellow fever in Cuba threaten the United States, the united effort of the States would be exerted to prevent it.

24. Division of Powers between Nation and States. — The Constitution of the United States is a written agreement entered into by the people of the thirteen original States, and agreed to by the people of the thirty-five States which have since entered the Union.

The general principle governing the division of powers between the National government on the one hand and the State governments on the other is thus laid down in the tenth amendment: "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States." The National government is said to have "delegated" or "enumerated" powers,[1] while the State governments have "residual" or "unenumerated" powers; that is, the State governments may do all things other than those provided for by the Constitution.[2] In other words, the National gov-

[1] Most of these powers are enumerated in the eighteen clauses of Article I, Section 8.

[2] There are many powers delegated to the National government but not expressly denied to the States. Some of these powers are concurrent in that they may be exercised by either the Nation or the States. The Supreme Court has decided that those powers which are of such a character that the exercise of them by the States would be, under any circumstances, inconsistent with the general theory of National government may be exercised only by the United States.

Those delegated powers not of this character may be exercised by the States until the United States sees fit to exercise them. To illustrate, the Constitution delegates to Congress the power to enact bankruptcy laws. From 1878 to 1898 Congress did not desire a National bankruptcy law. All

ernment must show some specific or implied grant of power for everything it does; a State government need only show that the Constitution does not prohibit it from doing whatever it sees fit to do.

The National government has power to

Maintain an army and navy. (Art. I, Sec. 8; Art. II, Sec. 2.)
Declare war and make peace. (Art. I, Sec. 8; Art. II, Sec. 2.)
Make treaties and other foreign relations. (Art. II, Sec. 2.)
Regulate immigration and naturalization. (Art. I, Sec. 8.)
Regulate foreign and interstate commerce. (Art. I, Sec. 8.)
Maintain post offices and post roads. (Art. I, Sec. 8.)
Issue coins and paper money. (Art. I, Sec. 8.)
Grant copyrights and patents. (Art. I, Sec. 8.)
Maintain Federal courts of justice. (Art. I, Sec. 8; Art. III, Sec. 1.)
Collect taxes for the above purposes and for the general welfare. (Art. I, Sec. 8.)
Do anything "necessary and proper[1] for carrying into execution the foregoing powers." (Art. I, Sec. 8.)

By way of illustration, let us enumerate a few powers which the State of Alabama could exercise. She could make laws requiring the consent of police officers to hold a church service; could pay the salaries of Catholic priests; could require all news items to be approved by a State censor before being published; and could prohibit the carrying, or even owning, of fire-arms.

States enacted them. When a new National bankruptcy law was enacted in 1898 any details of the State laws inconsistent therewith became void. Therefore, while the States have a certain amount of power, the National government in reality is supreme in the sphere of concurrent power.

[1] The Supreme Court has construed "necessary and proper" to mean "expedient" or "appropriate."

Alabama could do all these things because there is no provision in the Constitution of the United States prohibiting her.[1] The Congress of the United States, as we have just seen, could not make any of these things lawful because it has not been delegated the power to pass any of these laws. A State can legislate concerning marriage, divorce, insurance, regulation of cities, traffic, factories, and innumerable things which affect only the one State; but the United States cannot legislate concerning these matters because there are no clauses in the Constitution permitting it either specifically or by implication.

25. Supremacy of Federal Law. — In our Federal system of government some powers granted to the National government are almost certain to conflict with others which were apparently reserved for the State governments. The following passage from the Constitution shows that State laws which conflict with such National laws as Congress has constitutional authority for enacting must yield to the National laws:

"This Constitution and the laws of the United States which shall be made in pursuance thereof, and all treaties made or which shall be made under the authority of the United States shall be the supreme law of the land." This means that California could not prohibit Japanese born in the United States from voting at regular elections, as this would violate the fifteenth amendment to the Constitution of the United States. Further, this also means that California could not hold regular elections for Congressmen in June because a law of the United States prescribes the month of November. Or, if the United States should make a treaty with China agreeing to guarantee to all Chinese residing in the United States all privileges of citizens of the United States, California could not place a higher

[1] It is barely possible but not probable that the courts would declare some of these laws contrary to the fourteenth amendment of the Constitution of the United States. For instance, they might hold that the State censorship would deprive a person of his liberty without due process of law.

license upon laundries run by alien Chinese than upon similar laundries conducted by Americans.

26. Supremacy of the Federal Judiciary. — Not only is the Federal law supreme but the Federal courts decide whether a State or an individual has violated this law. If Virginia should pass a law conflicting with the Constitution, laws, or treaties of the United States, any individual who feels aggrieved thereby might go to court, and, if the case is finally appealed to the Supreme Court of the United States, this court would decide whether the State law really conflicts. The decisions of the Supreme Court are binding not only on private persons, but on States, and even on the Congress of the United States, if the latter passes a law contrary to the Constitution.

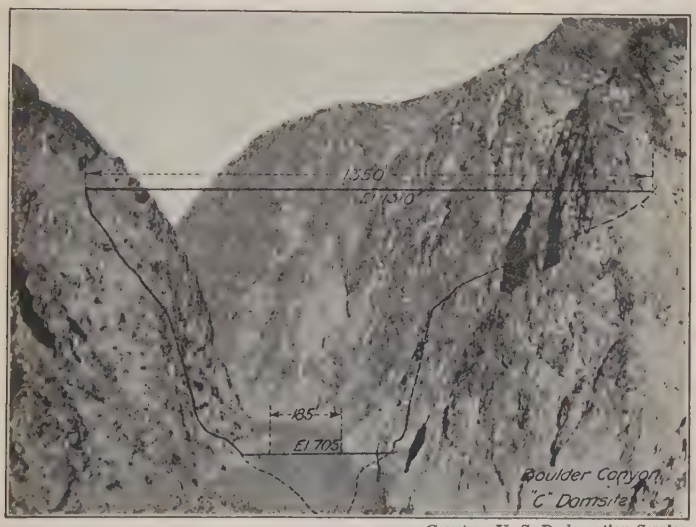
27. Interstate Relations. — In the preceding sections of this chapter the relations that exist between the United States on the one hand and the States composing it on the other have been considered. In this section the relations that exist among the forty-eight States will be discussed.

States Independent of One Another. — "Except as otherwise specifically provided by the Federal Constitution, the States of the American Union, when acting within the spheres of government reserved to them, stand toward one another as independent and wholly separate States. The laws of the State have no force, and their officials have no public authority, outside of their own territorial boundaries. As to all these matters their relations *inter se* (among themselves) are governed by the general principles of private International Law."[1]

Interstate Agreements. — With the consent of Congress, States may enter agreements among themselves.[2] Many States have thus settled boundary disputes; Washington and Oregon agreed upon the protection of fish in boundary waters; and New York and New Jersey agreed upon a Port of New York District and a comprehensive plan of bridges, tunnels, and belt railways.

[1] Willoughby on the Constitution, p. 194.
[2] U. S. Constitution, Art. I, Sec. 10.

More recently a commission, consisting of one member from each of the seven States [1] forming the Colorado River Basin, signed a compact providing for the distribution of water between the upper and lower basins, that is, above and below Lee Ferry, near the Utah-Arizona border. This compact has not been submitted to Congress because the Arizona legislature has not yet



Courtesy U. S. Reclamation Service.

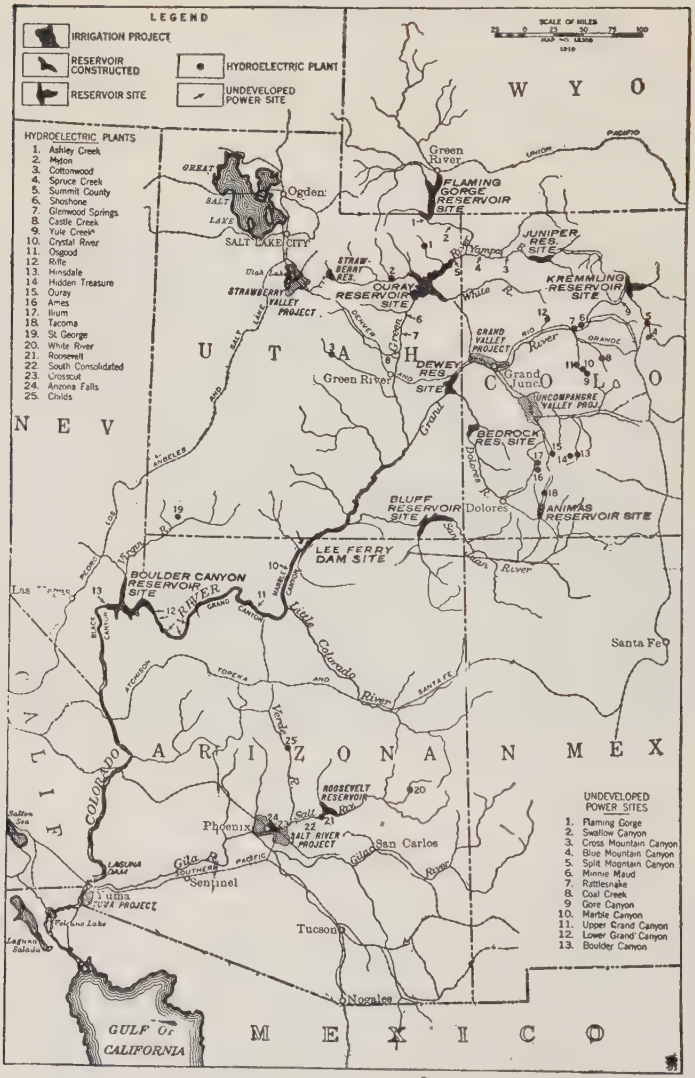
PROPOSED SITE FOR BOULDER CANYON DAM.

This dam is to be 604 feet high, the greatest in the world.

agreed to it, believing that the State has not been apportioned her proper share of the water.

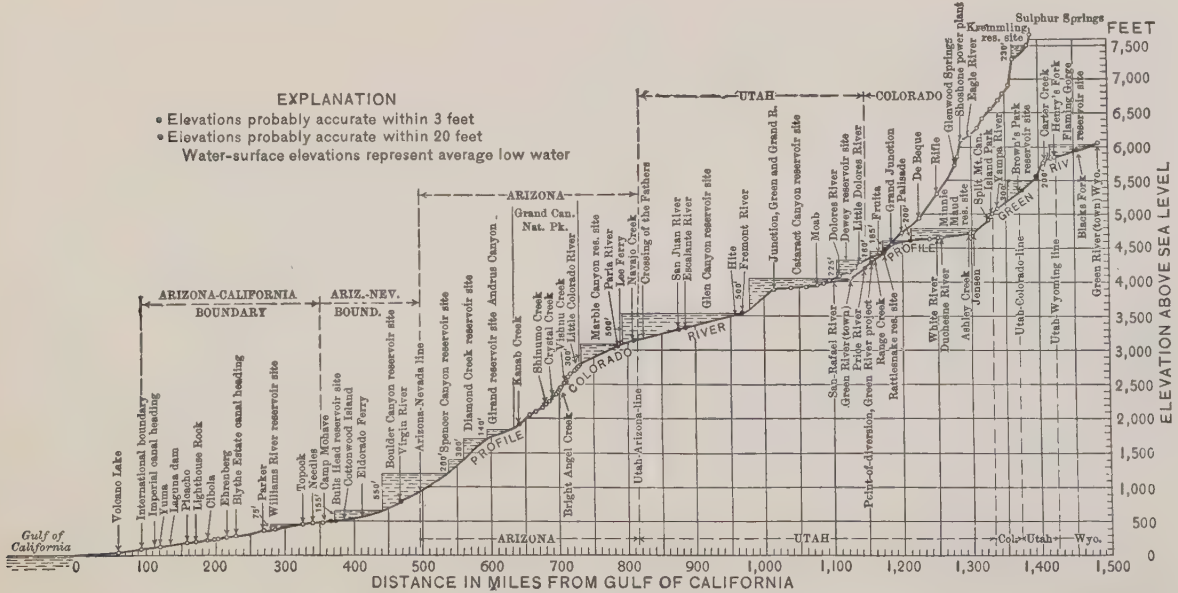
It is hoped that the seven States may reach an agreement as the project contemplates the United States' digging a tunnel thirty-two miles long and building a series of storage dams, including one at Boulder Canyon as high as the Washington Monument. This would prevent flood losses in the lower basin,

[1] Wyoming, Colorado, Utah, Nevada, California, Arizona, and New Mexico.



Courtesy U. S. Reclamation Service.

THE COLORADO RIVER BASIN.



Courtesy U.S. Reclamation Service.

PROFILE OF COLORADO AND GREEN RIVERS, SHOWING EXISTING AND PROPOSED RESERVOIRS.

would make the deserts blossom, and irrigate an area capable of supporting 50,000 people, and would generate electricity for the whole Southwest.

Full Faith and Credit Clause. — The Constitution specifically provides that "full faith and credit shall be given in each State to the public acts, records, and judicial proceedings of every other State, and Congress may by general laws prescribe the manner in which such acts, records, and proceedings shall be proved and the effect thereof." (Art. IV, Sec. 1.)

Suppose A brings suit against B in a court of New York, of which State both parties are residents, and the court decides that B owes A $1000 and gives A judgment. B moves to New Jersey taking all of his property with him before it can be attached for the debt. A follows him and shows in the New Jersey court of proper jurisdiction the judgment of the New York court with the certificate of the New York judge, the signature of the clerk of the court, and the seal of the court. The New Jersey court, without reëxamining the merits of the original claim, will give "faith and credit" to the judgment and will have its officer collect the debt for A.

Privileges and Immunities. — The Constitution specifically provides that "the citizens of each State shall be entitled to all privileges and immunities of citizens in the several States." (Art. IV, Sec. 2.) This means that a citizen of one State may go to another State and there enjoy the same civil rights[1] that citizens of the latter State enjoy, and likewise be subject to the same restrictions.

As an example of the rights a citizen of one State may enjoy in another State, the legislature of Maryland passed a law (1868) imposing a license on the privilege of selling articles not manufactured in Maryland. For citizens of Maryland the license was not to exceed $150, but for citizens of other States the license was to be $300. Mr. Ward of New Jersey refused to pay

[1] *Civil rights* are those of person and property.

more than $150, and the Supreme Court of the United States decided that Mr. Ward could not be required to pay more than citizens of Maryland.

As an illustration of a restriction upon a citizen of one State while in another State, a male citizen of Washington cannot marry in Oregon unless he is physically examined in accordance with the Oregon law and presents a health certificate.

The courts have never given a complete list of privileges and immunities, but the following are some of them: The right to pass through, or reside in any other State for the purpose of trade, agriculture, professional pursuits, or otherwise; to demand the writ of *habeas corpus* (see Sec. 135); to bring suit in the courts of the State; to make contracts; to buy, sell, and own property; to pay no higher taxes than the citizens of the State; to marry.

Extradition. — The Constitution specifically provides that "a person charged in any State with treason, felony, or other crime, who shall flee from justice and be found in another State, shall on demand of the executive authority of the State from which he fled be delivered up to be removed to the State having jurisdiction of the crime." (Art. IV, Sec. 2.)

Occasionally a governor has refused to surrender an accused person and neither the United States courts nor the President of the United States have compelled him to do so. For instance, about twenty years ago ex-Governor Taylor of Kentucky was indicted as having been implicated in the murder of Governor Goebel, and fled to Indiana. The governor of Indiana, feeling that Taylor, a Republican, would not receive a fair trial by the excited Democrats who were then in control in Kentucky, refused to extradite him.

28. Separation of the Powers of the National Government. — The division of the powers between the National government and the State governments has been discussed. The powers of the National government are further separated into three grand departments — the legislative, the executive, and the judicial.

Legislative Department. — The Constitution of the United States provides that all legislative (law-making) powers of the National government shall be vested in a Congress. This body cannot authorize any other persons to legislate in its stead, but it can lay down rules and authorize others to put them into effect conditionally. For instance, it can direct the Interstate Commerce Commission (see Sec. 117) to prescribe reasonable railroad rates. Thereupon the Commission can prescribe a two-cent passenger fare on condition that this low rate will allow the railroad companies to earn reasonable profits.

Executive Department. — The Constitution of the United States provides that the executive (law-enforcing) powers shall be vested in a President, whose duty it is to see that the laws that have been made by Congress are executed.

Judicial Department. — The Constitution of the United States provides that the judicial (law-interpreting and law-applying) powers shall be vested in one Supreme Court and such inferior courts as Congress shall from time to time ordain and establish.

29. Check and Balance System. — The legislative, executive, and judicial functions of government were vested in three separate bodies of public servants in order that each might be a check upon or balance to the other. The Constitution makers greatly feared the tyranny of a king after they had succeeded in throwing off the yoke of George III, and considered the principle of the separation of powers essential to the protection of individual liberty. Therefore, the President was given the veto power over legislation passed by Congress; Congress was given the right to impeach the President, judges, and other civil officers; and the courts were allowed to declare unconstitutional, and hence of no force, laws enacted by Congress.

30. Criticism of the Check and Balance System. — The principle of checks and balances in government is not held in such high esteem to-day as it was a century ago. The people no longer fear the officers whom they elect every few years. They admit that mistakes or evil designs of one department might be

checked by another, but they have also come to realize that well-planned, honest policies of one department can be checked by the officers of another department if the latter are unfavorable to them.

Moreover, many laws passed by the legislative department which are theoretically good, work badly when enforced by the executive department; while, conversely, the executive department is always in need of practical laws which the legislative department refuses to enact. In England, where the same persons are heads of executive departments and leaders in Parliament, this check on efficient government does not exist.

There are times when our government comes to a standstill because the departments cannot agree upon a certain policy. The ideas of any one of the departments might work well if vigorously pushed forward; but when there is a difference of opinion between the legislative and executive departments, a political "boss," good or bad, must mount the vehicle of state and keep it moving. Since it has become necessary to have a boss it would seem well to be bossed by the President, who is elected by all the people and is responsible to all the people — at least every fourth year.

31. Constitutional Amendments. — The legal methods of amending the Constitution of the United States are more difficult than those of any other nation. There are four ways of amending it.[1]

First, an amendment may be proposed by a two-thirds vote of each House of Congress and ratified by the legislatures of three fourths of the States. All of the amendments have been adopted in this manner.

Second, an amendment may be proposed by a two-thirds vote of each house of Congress and ratified by conventions in three fourths of the States. The disadvantage of this method is the fact that there is only one opportunity in each State for its

[1] See Article V of the Constitution, Appendix I, page 15.

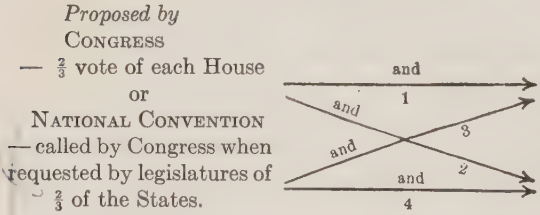
ratification; whereas, under the first method, if one legislature refuses to ratify, a subsequent one can do so. But when a legislature once ratifies, it cannot rescind.

Third, an amendment may be proposed by a National Convention, called by Congress when requested by the legislatures of two thirds of the States, and ratified by the legislatures of three fourths of the States.

Fourth, an amendment may be proposed by a National Convention, called by Congress when requested by the legislatures of two thirds of the States, and ratified by conventions in three fourths of the States. The Constitution was originally adopted in this manner.

Referendum Denied. — In 1920 the United States Supreme Court ruled that State legislatures may not refer Federal amendments to the people but must pass upon them themselves.

FOUR WAYS OF AMENDING THE CONSTITUTION OF THE UNITED STATES



As soon as the government of the United States was established the first ten amendments were added to the Constitution; the eleventh amendment was added in 1798; the twelfth, in 1804. For sixty-one years no other amendment was added until the Civil War resulted in the ratification of the thirteenth (1865), the fourteenth (1868), and the fifteenth (1870). Since then hundreds of proposals have been introduced, but only four have been submitted to the States; the sixteenth, providing for

[1] Congress determines whether an amendment is to be ratified by State legislatures or by State conventions.

a Federal income tax, and the seventeenth, for the popular election of Senators, were both ratified in 1913; the eighteenth providing for nation-wide prohibition was ratified in 1919; and the nineteenth providing for woman suffrage was ratified in 1920.

Thus is the Constitution formally amended. Owing to the difficulty of persuading two thirds of the members of Congress to propose an amendment and three fourths of the States to ratify it, the Supreme Court has been led to give an elastic construction to the Constitution.

32. Constitution Adaptable to Economic Changes. — While we have referred to the Constitution as an agreement, it is not an agreement in the sense of a contract which must be interpreted exactly as the parties to the contract understood it when it was entered into. When the Constitution was drafted in 1787 there were only 4,000,000 scattered people in the United States, no large cities, few factories, no steamboats or railroads, no telegraphs, telephones, automobiles, no great monopolies ("trusts").

Things which concerned one State then now concern the entire Union, and as it has been very difficult to amend the Constitution, the Courts have allowed Congress to read a new meaning into the words which the framers of the Constitution used. So the Constitution instead of being a dead contract is a living agreement which changes with time and adapts itself to economic and social changes. One might say that the Elastic Clause of the Constitution, which gives Congress power to legislate on all matters "necessary and proper for carrying into execution" the enumerated powers, has kept the Constitution alive for more than a century of eventful years. (See Sec. 48.)

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Questions on the Text

1. Distinguish the meaning of confederate government from that of federal government.

2. What are the advantages of federal government in the United States?

3. What is meant by "local self-government"?

4. What is the Constitution of the United States?

5. Mention some powers which the National government may exercise.

6. What powers are reserved to the States? What amendment of the Constitution provides for this reservation?

7. Distinguish "delegated" or "enumerated" powers from "residual" or "reserved" powers.

8. If a State law conflicts with a National law which must yield to the other?

9. With whom does the final interpretation of the Federal law rest?

10. What relation do States bear to one another except as specifically provided by the Constitution? Under what condition may they enter agreements among themselves? Give examples.

11. What is meant by the requirement that each State give full faith and credit to the public acts, records, and judicial proceedings of every other State?

12. Name some privileges and immunities which a citizen of one State is entitled to enjoy in every other State.

13. What is meant by *extradition?*

14. The powers of the National government are divided among what three grand departments? What powers has each?

15. What is meant by the check and balance system? What are the arguments in favor of and against the system?

16. What Article of the Constitution explains the manner in which the Constitution may be amended? Explain in what four combinations of ways it may be amended.

17. How many amendments to the Constitution of the United States are there?

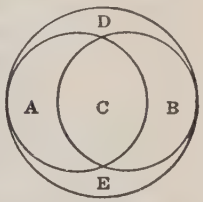
18. Is the Constitution a "dead contract" or a "living document"?

Questions for Discussion

1. The United States is a representative, constitutional, federal republic. Consult unabridged dictionaries and explain fully the meaning of each of these words.

2. Let each pupil prepare a large chart showing the powers of government under our federal system. The accompanying figure adapted

from Tiedman's "Unwritten Constitution" can be enlarged. Let the outer circle represent all the powers of government. In section *A* write all the powers exclusively delegated to the National government; in section *B*, all the powers reserved to the States; in section *C*, the concurrent powers, those which may be exercised by either the National or State governments; in section *D*, those denied to the National government; in section *E*, those denied to the State governments. Space may be economized by the use of figures. I.8.3. in section *A* would mean Article I, Section 8, Clause 3; Am. X in section *B* would mean Amendment X.



3. Give reasons why each power granted exclusively to the National government was so granted.

4. What legal complication would arise if the Federal law and system of courts were not supreme?

5. Oregon enacted a law making a doctor's certificate a prerequisite for obtaining a marriage license. Couples crossed into neighboring States and there married without a doctor's certificate and returned to Oregon to live. Could Oregon enact a law declaring such marriages illegal and prohibit the parties in question from living together within her boundaries?

6. In the government of one's self an individual is actuated by conscience, judgment, and will. Which of these is legislative, which executive, and which judicial?

7. Do you believe in the check and balance idea in government? To bring the problem close to home let us suppose your father the legislative department, your mother the judicial, and you the executive.

8. Power has a tendency to concentrate in the President if he becomes the party leader, in the Supreme Court, which may declare laws unconstitutional, or in Congress, which holds the purse strings. In which of the three would you consider the concentration of power the least objectionable? Give reasons for your decision.

9. Some people view our Constitution as a sacred document that should not be changed, but Thomas Jefferson expresses the contrary view in the following words: "Some men ascribe to the men of the preceding age a wisdom more than human, and suppose what they did to be beyond amendment. I knew that age [of the Revolution] well. I belonged to it and labored with it. It deserved well of its country. It was very like the present, but without the experience of the present; and forty years of experience is worth a century of book reading; and this they would say themselves were they to arise from the dead." Are

these words more or less true to-day than when they were spoken? Why?

10. Our Constitution has developed by amendment, by statutes, by court decisions, and by custom. By which method has each of the following changes occurred: (1) Popular election of senators? (2) Succession to the presidency? (See Sec. 61.) (3) Use of the taxing power for the purpose of regulation? (See Sec. 43.) (4) Two-term presidential limitation? (5) Senatorial courtesy? (See Sec. 36.)

11. Which of the following proposed constitutional amendments that have been introduced into Congress would you have your congressman support?

(*a*) That Congress may set aside the decision on the favorable vote of two thirds of each house in cases where the Supreme Court declares a law unconstitutional by a divided court. (See Supreme Court, Sec. 123.)

(*b*) That amendments be ratified by a vote of the people of each State instead of by the legislatures. (See U. S. Const. Art. V.)

(*c*) That Congress propose amendments by a bare majority vote instead of a two-thirds vote of each house.

(*d*) That Congress have power to enact uniform laws as to marriage and divorce.

(*e*) That polygamy be prohibited in the United States and its dependencies. (Polygamy is now forbidden by each State. The prohibition was placed in the constitution of Utah as a prerequisite to admission to the Union.)

(*f*) That no child born in the United States of foreign parents be eligible to citizenship unless the parents are eligible. (Orientals are not eligible to citizenship except by birth in the United States.)

12. The following proposed 20th amendment was submitted to the States by a two-thirds vote of Congress in June, 1924:

> Section 1. The Congress shall have power to limit, regulate, and prohibit the labor of persons under 18 years of age.
>
> Section 2. The power of the several States is unimpaired by this article except that the operation of State laws shall be suspended to the extent necessary to give effect to legislation enacted by Congress.

Would you have your State legislature vote to ratify this amendment?

CHAPTER V

THE LEGISLATIVE DEPARTMENT

33. Congress. — The legislature of the United States is called the Congress. It consists of a House of Representatives and a Senate. The House represents the National principle, because its members represent the people directly in proportion to population; and the Senate represents the Federal principle, because its members represent the States, each State having equal representation. Article V of the Constitution provides that "no State, without its consent, shall be deprived of equal suffrage in the Senate." Without equal representation in the Senate such small States as Rhode Island, Delaware, and Maryland would not willingly have become members of the United States.

The advantages derived from a Congress composed of two houses are: (1) The minority is protected against the majority. (2) The one acts as a check upon the other. Through this check system a bill passed in the heat of passion by one house can be submitted to the cool judgment of the other. (3) One large house elected for a short term can express the wishes of the people, while the other house elected for a long term and small enough for deliberate debate can carefully weigh and consider them. (4) The press of our country has a better opportunity to point out the defects of a bill before it is acted upon by the second house.

Thomas Jefferson, who possessed great faith in "the voice of the people," was in France when the Constitution was framed. Upon his return, while taking breakfast with Washington, he opposed the two-body form of legislature, and was disposed to twit Washington about it. At this time Jefferson poured his coffee from his cup into

his saucer. Washington asked him why he did so. "To cool it," he replied. "So," said Washington, "we will pour legislation into the Senatorial saucer to cool it."

Recently it has been argued that it is not in keeping with democratic institutions for Nevada, for instance, with 77,407 inhabitants to have as much legislative power in the Senate as New York with more than one hundred times as many

THE UNITED STATES CAPITOL.

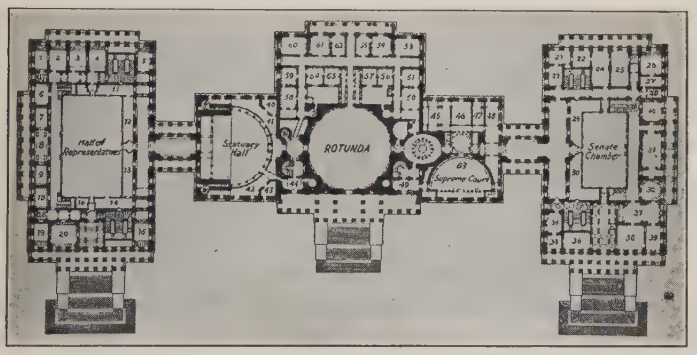
(10,385,227). If New York were represented in the Senate proportionately with Nevada there would be 268 New York senators. To this argument Woodrow Wilson replied:

"These critics are entirely wrong in assuming . . . that the newer, weaker, or more sparsely settled parts of the country have less of an economic stake in its general policy and development than the older States and those which have had a great industrial development. Their stake may not be equal in dollars and cents — that, of course — but it is probably greater in all that concerns opportunity and the chances of life. There is a sense in which the interest of the poor man in the prosperity of the country is greater than that of the rich man: he has no reserve,

and his very life may depend upon it. The very life of an undeveloped community may depend upon what will cause a rich community mere temporary inconvenience or negligible distress."

A country so extensive as ours, and representing such a great variety of social, economic, and political conditions, would not have held together without equal representation of the States in the Senate.

34. Sessions of Congress. — Each Congress is numbered consecutively from the first term, which began March 4, 1789.



PRINCIPAL FLOOR OF THE CAPITOL.

Each number indicates a room, *e.g.*, rooms 1, 2, 3, and 4 are occupied by the Committee on Appropriations, and number 40 is the room of the President.

The Sixty-ninth Congress began March 4, 1925, and will end March 4, 1927.

There are two regular sessions of each Congress, which are commonly designated as the "long" and the "short" session. The long session begins on the first Monday in December of the odd-numbered years and lasts until some time in the following spring or summer. The short session begins on the same date in the even-numbered years and lasts until March 4 following, when the term of all representatives expires. Prior to 1853 the short session ended at midnight, March 3, but at the present time all business transacted between midnight of the

third and noon of the fourth is dated the 3d of March. Also, if business is pressing at noon of March 4, the clock is turned back.

The President may call extra sessions of Congress. President Harding called such a session for April 11, 1921, to consider protective tariff legislation and other platform promises.

35. The House of Representatives. — *Membership.* — The House of Representatives is the more numerous body of Congress. The membership is determined by Congress after each census, but the number allotted to each State must be in proportion to its total population.[1] With a single exception (1842) the number of representatives has regularly increased with each new apportionment. A representative from a State which has increased very little in population will naturally not consent to a reduction in the representation of his own State, as this would possibly mean the destruction of his own district. His only alternative is to vote to increase the representation of the States that have increased in population.

The number of representatives for the decade 1920–1930 is 435 — the same as that for the decade 1910–1920 — unless the two Houses of Congress can agree upon a new re-apportionment. The average number of inhabitants to a member has increased from 33,000 in 1793 to 211,877 for the last decade. A State is entitled to at least one member, regardless of population. Nevada, which has a population of only 77,407, and Arizona, New Mexico, Wyoming, and Delaware have one representative each. The largest number from any one State is forty-three, the number from New York State.[2]

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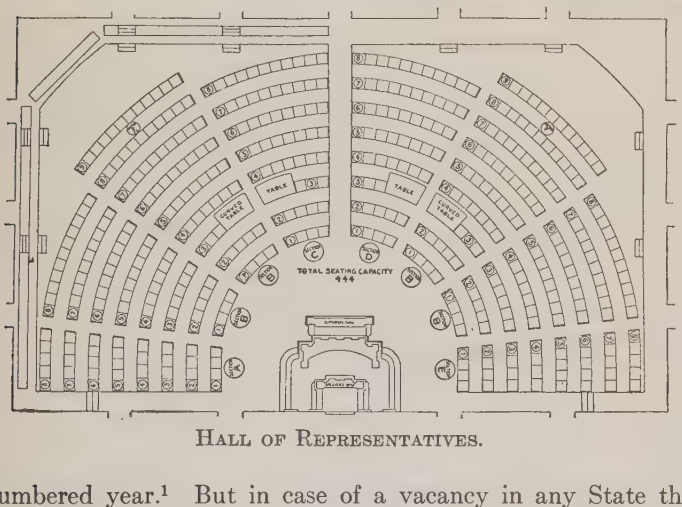
[1] The fourteenth amendment declares that whenever a State shall limit the right of its adult male citizens to vote, except for crime, its representation in Congress shall be proportionately reduced. This provision has never been enforced, and some statesmen claim that it has been superseded by the fifteenth amendment.

[2] A territory is represented in Congress by one delegate, the Philippine Islands by two Resident Commissioners, and Porto Rico by one. Any one of these may take part in debate, but none of them can vote.

Election of Representatives. — The time, place, and manner of electing representatives are determined by Congress, but the Constitution provides for two-year terms of office and that any person may vote for them whom the State permits to vote for members of the most numerous branch of the State legislature. Since 1871 Congress has required the States to use ballots and since 1872 to hold congressional elections uniformly on the Tuesday following the first Monday of November every even-



HALL OF REPRESENTATIVES.

numbered year.[1] But in case of a vacancy in any State the Governor thereof may call a special election.

During the first fifty years of our Union the States were permitted to elect their representatives as they chose. The method of electing them by districts early became popular, but some States elected all members at large,[2] which made it possible for a State with a small Democratic majority to elect all Democratic members. This was clearly unrepresentative, and in

[1] By a special provision of Congress Maine is permitted to hold her congressional election in September.

[2] *At large* means from the entire State. Each voter expresses as many preferences as there are congressmen to elect from the State.

1842 Congress prescribed that thenceforth all members should be chosen by districts. The district system tends to give representation to the minority party, but, as the States were laid out into districts by the State legislatures, the districts were so arranged that the majority party continued to have a great advantage.

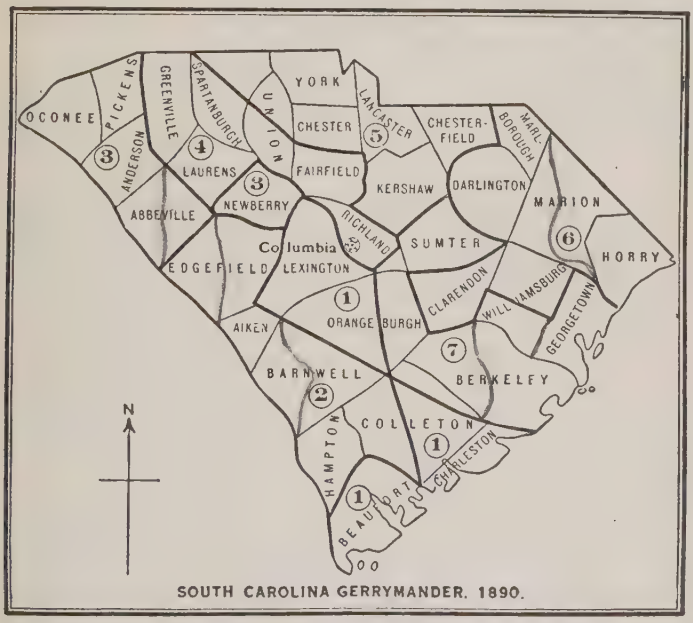
A

B

By an act passed in 1872, Congress required that the congressional districts be of contiguous territory and contain as nearly equal populations as practicable. The requirement that all territory of a district be contiguous has been observed to the letter but not always in spirit. For instance, in South Carolina the first district of the 1890 apportionment was shaped like two arrow heads which merely touched at the points. The requirement that population be as nearly equal as practicable has been frequently violated.

Pennsylvania District No. 13, which never elected a Republican before 1920, has 348,955 inhabitants, while District No. 14, considered a Republican district until 1922, has only 129,465 inhabitants.

Gerrymandering. — The scheme resorted to by an unfair legislative body to lay out congressional or other districts so as to secure a majority of voters for the party in power in the greatest possible number of them is known as "gerrymandering." This can sometimes be done by collecting as many voters of the minority party as possible into one district so as to make other bordering districts safe for the majority party.



For instance, Figure A (page 66) represents a State with four congressional districts, each consisting of 75,000 voters. In districts 1 and 2 the Republicans have a majority whereas in districts 3 and 4 the Democrats have a majority, but in the entire State the Republicans have a majority of voters and therefore elect the majority of the members of the State legislature. This Republican State legislature redistricts the State as shown in Figure B, having gerrymandered it so that

the Republicans have a majority of voters in districts 1, 2, 3, and 4.

The map on page 67 shows how the districts of South Carolina were skilfully arranged in 1890 so as to throw large blocks of the Republican negro vote together, the populations varying from 134,000 in the first district to 217,000 in the seventh.

THE ORIGINAL GERRYMANDER.

The scheme of unfair apportionment of districts is called "gerrymandering" from Elbridge Gerry of Massachusetts. In 1812, when Gerry was governor of Massachusetts, the Republican legislature re-districted the State in such a manner that one district had a dragon-like appearance. It was indicated on a map of Massachusetts which hung over the desk of a Federalist editor. A celebrated painter added with his pencil a head, wings, and claws, and exclaimed, "That will do for a salamander!" "Better say Gerrymander," growled the editor.

Qualifications of Representatives. — A member of the House must be a man or woman twenty-five years of age, at least seven years a citizen of the United States, and an inhabitant of the State from which he is chosen, but not necessarily of the particular district. In practice, members are inhabitants of their districts, though in New York City a member of Congress has been elected by a district in which he did not live. If this practice should become general there would be many more able men from whom to select congressmen.

The House is judge of the elections, returns, and qualifications of its members and has excluded persons for various reasons. For instance, in 1919 and again in 1920 a majority of

the House excluded Victor L. Berger, Socialist of Wisconsin, on the ground of seditious utterances and disloyalty during the War. Two thirds of the House may expel one of its members for any reason it may think fit.

36. The Senate. — *Membership.* — The Senate is the smaller body of Congress, and is composed of two members from each State. As there are now forty-eight States there are ninety-six senators.

Term of Senators. — Senators are chosen for a term of six years, one third retiring every second year. By thus dividing senators into three classes the presence of too many new and inexperienced members is avoided.

Election of Senators. — Until the seventeenth amendment was ratified in 1913 senators were elected by State legislatures. Now at the regular November election of every even-numbered year one third of the senators are elected directly by the people, and are sworn into office when the new Congress assembles.[1] Each senator is elected from his State at large. All persons qualified to vote for members of the House of Representatives may vote for senators.

Qualifications of Senators. — A senator may be a man or woman, at least thirty years of age, nine years a citizen of the United States, and an inhabitant of the State from which he is elected. The Senate, like the House, is judge of the qualifications of its members. In 1912 Mr. Lorimer of Illinois was excluded by a majority vote, being elected as a result of bribes paid to Illinois legislators in behalf of his election. He had been seated, although under protest, and had voted on many measures before the committee on elections could investigate. Also, like the House, the Senate can expel a member for any cause by a two-thirds vote.

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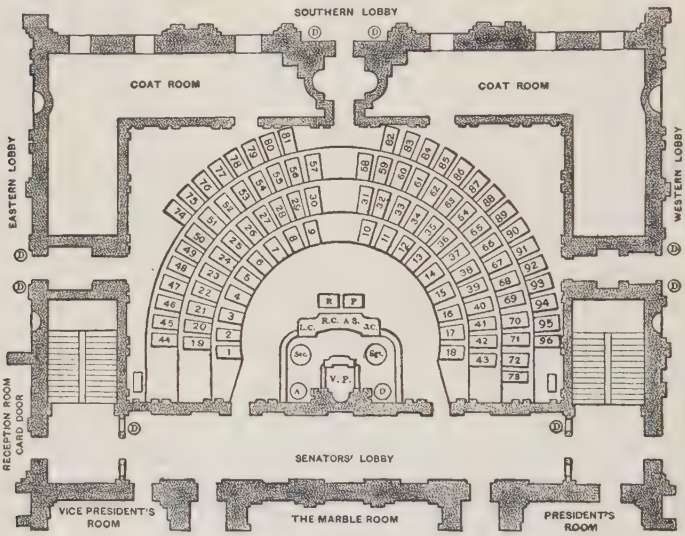
[1] Only one senator is elected from a State in any one year. Though when a vacancy occurs in the Senate the governor of the respective State must call a special election unless the legislature empowers him to make a temporary appointment.

Special Functions of the Senate. — The Senate performs three special or non-legislative functions, two of which are executive and the third judicial. They are as follows:

(1) The Constitution makes the approval of the Senate necessary to the validity of all appointments made by the President, unless otherwise provided. The reason for requiring the approval of the Senate was to prevent any errors or



SENATE CHAMBER.

abuses of the chief executive, but in practice the senators claim the right of dictating to the President regarding appointments to such Federal offices in the States as postmasters, Federal judges, Federal attorneys, and revenue collectors.

Under the custom known as "senatorial courtesy" the Senate will usually ratify or refuse to ratify an appointment according to the recommendation of the senators from the State in which the appointee resides. If the senators from that State are not members of the party in power the Presi-

dent will confer with a representative or some politician from the State. Appointments are usually considered in secret sessions, called "executive sessions."

(2) All treaties are made by the President with the "advice and consent" of the Senate. For a short period after the adoption of the Constitution the advice of the Senate was asked before the President prepared a treaty, but now he merely consults with the Senate Committee on Foreign Relations and with influential members of both parties. The Senate may reject a treaty in full or may suggest amendments to it. Treaties are considered in "executive session."

(3) The Senate acts as a court of impeachment to try the President, Vice-President, or any other high civil officer.[1] A two-thirds vote of the Senate is necessary to sustain an impeachment. This removes the guilty person from office, and may deprive him of holding any other Federal office if the Senate so desires.

37. Compensation of Congressmen. — Congressmen, unlike other officers or employees of the government, fix their own salary, and the only limit upon the amount is the President's veto and the possibility of not being reëlected. Senators and representatives have always received equal salaries. Each senator and representative now receives: (1) a salary of $10,000 per annum;[2] (2) twenty cents a mile going and coming by the shortest route for each regular and usually for special sessions; (3) publication and free distribution of speeches;[3] (4) free postage for official business, called the "franking privilege";

[1] Senators and representatives are not impeached, since either house can expel a member by a two-thirds vote. Military officers are removed by court-martial.

[2] The salaries of congressmen from time to time have been as follows:

1789–1815, $6 per diem while in attendance.
1815–1817, $1500 per annum.
1817–1855, $8 per diem.
1855–1866, $3000 per annum.
1866–1871, $5000 per annum.
1871–1874, $7500 per annum.
1874–1907, $5000 per annum.
1907–1925, $7500 per annum.

[3] Many speeches which are not actually delivered on the floor of Congress are published in the Congressional Record, of which each congressman re-

(5) free offices and an allowance for stationery; (6) an allowance for clerk hire for each congressman, and an additional amount ranging as high as $5000 clerk hire for the chairman of each of the numerous House and Senate committees.

In 1816 nearly all congressmen lost their seats because they increased the salary to $1500 a year, including the term partly served. In 1873, upon the last day of the session, Congress passed a bill increasing the compensation of its members from $5000 to $7500 per annum, and made it apply to the two years past. The next Congress repealed the measure. In 1907, during the last session of the term, Congress, by a standing vote, increased the salary from $5000 to $7500 — *after it had been defeated by a yea and nay vote.* In 1925 it was increased to $10,000. This did not take effect until the next session. In view of the costs of campaigning, the costs of living in Washington, and the uncertainty of tenure, this salary is moderate.

38. Privileges of Congressmen. — Congressmen are free from arrest during their attendance, and in going to and returning from the sessions, in all cases except treason, felony, and breach of the peace. As persons are no longer imprisoned for debts the privilege is of little value. "Treason, felony, and breach of the peace," include all indictable crimes.

Another privilege of congressmen is freedom of speech during debate in Congress. That is, they may not be sued for any statement made on the floor of Congress. This privilege includes the right to circulate copies of their speeches delivered in Congress. But a congressman is not privileged to defame any person in a newspaper article.

The reason for granting congressmen immunity from suit for anything they may say during debate in Congress, is to encourage them to state all the facts they know in regard to matters that vitally concern the people's welfare.

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ceives sixty copies free. However, a congressman may obtain any number of reprints of his speech by paying the Government Printing Office the actual cost of reprinting.

REVIEW

Outline of Congress

Members	House of Representatives 435	Senate 96
Qualifications	25 years of age, 7 years a citizen of the United States, inhabitant of State where elected. Other qualifications determined by the House.	30 years of age, 9 years a citizen of the United States, inhabitant of State where elected. Other qualifications determined by the Senate.
Elected by	Votes of Congressional Districts.	Votes of State.
Term	Two years.	Six years.
Salary	$10,000 plus allowances.	$10,000 plus allowances.
Sole Powers	(1) Impeachment. (2) To originate revenue bills.	(1) Court of impeachment. (2) Confirmation of appointments made by the President. (3) Ratification of all treaties.
Convene (in regular session)	First Monday in every December.	First Monday in every December.

Presiding Officer	Speaker	Vice-President[1] of the United States Called "President of the Senate"
Qualifications	Member of House.	The same as for President.
Elected by	Members of the House.	Presidential electors or Senate.
Term	Two years (often re-elected).	Four years.
Salary	$15,000.	$15,000.
Vote	The same as any other member of the House.	Only in case of tie.

[1] A president *pro tempore* of the Senate is elected by the Senate to preside in the absence of the Vice-President.

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Questions on the Text

1. What Article of the Constitution treats of Congress?
2. Congress consists of what two houses? What does each house represent?
3. What are the advantages of a two-body legislature?
4. Do you favor equal representation in the Senate?
5. When does the long session of Congress begin? When does the short session end?
6. How is the membership of the House of Representatives determined? Of how many members does it now consist? Each represents how many people?
7. Do any States have more senators in the Senate than representatives in the House?
8. When are congressional elections held? How long is it after the election until the members take their seats? What is the term of office?
9. Explain *gerrymandering.*
10. What are the qualifications for membership in the House?
11. Of how many members does the Senate consist? What is the term of office?
12. When are senators elected? Who may vote for them? What are the qualifications for office?
13. What special functions are performed by the Senate?
14. What salary do congressmen receive? What other compensation do they receive?
15. What special privileges have congressmen? May a congressman defame the character of a person in a newspaper article?

Questions for Discussion

1. Do you favor equal representation of States in the Senate?
2. The number of any Congress can be determined by subtracting 1789 (the year the 1st Congress met) from the year in which the Congress of which the number is desired ends, and dividing the remainder by 2, because a Congress lasts two years. As a Congress always ends upon

an odd-numbered year the number from which 1789 is subtracted is necessarily an odd number. By what number is the Congress now in session known?

3. The first woman representative, Miss Rankin, was elected from Montana in 1916. Give arguments for and against electing women to Congress.

4. How are the political parties represented at present in the Senate and in the House of Representatives?

5. Is your State gerrymandered?

6. To how many representatives is your State entitled?

7. In what congressional district do you live? Who is your representative? How long has he been in Congress? What party does he represent? What stand has he taken in regard to important legislation recently before Congress? (You can learn how congressmen vote from the Congressional Record.)

8. Discuss in regard to your senators the same matters that you have considered in regard to your representative.

9. Do you believe that popular election of senators will make them more responsive to popular opinion? Do you think they should respond as readily as representatives do, or should they decide measures according to their own individual opinions?

10. In 1913 President Wilson's special session of Congress merged into the regular session, and a mileage allowance was not voted by Congress because the President opposed it. A few years previous thereto, under similar conditions, mileage was voted with the approval of President Roosevelt. This is known as "constructive mileage," because it is not actually traveled.

During Harding's administration a special session of Congress adjourned shortly before the regular session began and of course mileage was allowed. Which practice do you consider best?

11. Members of the House of Commons in England receive a salary equivalent to $2000 a year; those of the House of Representatives in the United States, $10,000. Which members are more likely to voice the will of the people?

12. Men of eminent ability in the United States engaged in other professions and commercial pursuits earn much more than we pay the members of the House of Representatives. What are the advantages and disadvantages of a high salary for a legislator?

13. Do you believe in the unrestricted use of the "franking privilege"? In 1914 Senator Root franked 715,062 copies of his speech opposing tolls exemption of American coastwise vessels. This speech advocated an honorable compliance with our treaty obligations with

England, but the frank is also used by congressmen representing special interests.

14. A Super-Senate Plan has been suggested by Frank A. Vanderlip, ex-president of the National City Bank of New York, for discussion. It is proposed that a constitutional amendment create a new arm of the government, with about thirty members chosen at large for terms of ten years, three members retiring every year. Half of the members would sit continuously in Washington, and the other half would be abroad carrying America's good-will and obtaining good-will for us. This would build an intelligent body to deal with foreign affairs. This plan would take the treaty power from the Senate, but the President's relations to foreign affairs would remain unchanged. He would initiate treaties, appoint the Secretary of State, and appoint ambassadors and ministers. Their confirmation would lie in the hands of the Super-Senate. What arguments can you advance for or against this suggestion?

15. "Whether justly or unjustly, we have signally lost the esteem of our fellow men, because our Government as a government has refused to take part in the rehabilitation of Europe — refused because of the ever existing conflict between the Executive and the Senate.

"Our system of government as it exists today negatives action. The Senate should be given the power to make treaties, or it should be shorn of the power to obstruct by a two-thirds vote. It is an absurdity that we can make war by a majority vote of Congress but that it should take a two-thirds vote of the Senate to make peace. The Versailles Treaty had a handsome majority but failed by six votes of obtaining the necessary two thirds. And upon that slender thread the fate of nations has hung.

"The Executive and not the Senate should have the treaty-making power and he should not be embarrassed by having to obtain for ratification two thirds of the Senate. As the law rests, the President may have a party majority with him, and yet be unable to carry out the mandate to govern which the people gave him. The Senate itself should inaugurate the change, for surely it should be content with a majority rule. This single change in our machinery of government would go far towards removing the menace of being regarded as a nation apart from the rest of the world." — Colonel Edward M. House.

Why do you favor or oppose this proposed constitutional change?

CHAPTER VI

THE POWERS OF CONGRESS

39. Interpretation of the Constitution. — When our thirteen States united to form the United States of America they limited Congress to certain expressed powers enumerated in the Constitution and those "necessary and proper" to carry the expressed powers into execution. Persons who favor strong State governments and a weak National government would restrict the powers of Congress to the bare letter of the Constitution, while those who favor a strong National government would interpret these powers liberally, thus increasing the legislative powers of Congress.

Fortunately for the National government Chief Justice Marshall, who dominated the Supreme Court during the formative period of our government (1800–1835), gave a *liberal construction* to the Constitution, thereby permitting Congress to do many things which Jefferson and other *strict constructionists* would have reserved for the States. Such men as Washington, Hamilton, Lincoln, and Roosevelt have favored a liberal construction, believing that the government of the United States can govern more efficiently and with less annoyance to the people than the numerous States whose different laws often conflict.

I. Expressed Powers

40. Expressed Powers Interpreted. — The expressed powers of Congress are enumerated very briefly; and without courts to decide exactly what they mean and what they include, Congress would often be tempted to exceed its authority. To illustrate, the Constitution (Art. I, Sec. 8, Cl. 3) provides that

"Congress shall have power to regulate commerce with foreign nations and among the several States." [1] These words are very general, and Federal courts have decided more than 2000 cases in explanation of them, and several hundred of these cases have been appealed and decided and supported by lengthy opinions of the Supreme Court of the United States.

41. Foreign Commerce. — Congress has "power to regulate commerce with foreign nations." Under this power Congress regulates shipping; determines numerous conditions under which vessels may fly the American flag, such as requiring a wireless equipment, life-preservers, life-boats, a definite limit to the number of passengers, and inspection of the ships; prescribes how ships must enter and leave ports — *e.g.*, stop at quarantine stations for health inspection and have proper entry or clearance papers; and imposes other requirements too numerous to mention.

Under this power Congress has prohibited the importation of numerous articles — *e.g.*, diseased animals or vegetables, opium except for medical purposes, obscene books, lottery tickets, adulterated and misbranded foods, articles having names or emblems simulating domestic trade marks, aigrettes, convict-made articles, white or yellow phosphorus matches,[2] and prize-fight films.

Under this power Congress has prohibited the exportation of white or yellow phosphorus matches and has authorized the President at his discretion to prohibit the exportation of contraband of war.

42. Interstate Commerce. — Congress has power to regulate commerce among the several States. The strongest motive that led to the formation of our Union was the annoying taxes which each State placed upon the commerce of the others,

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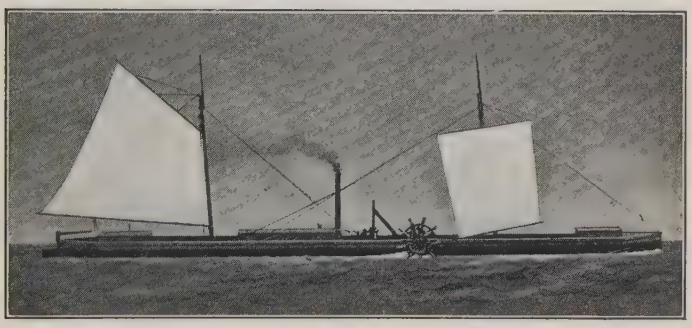
[1] Congress also has power to regulate commerce within the Indian Tribes. For example, Congress prohibits the sale or gift of liquor to Indians or even the introduction of it into Indian country.

[2] See page 86.

hence the Constitutional Convention was prepared to give a liberal regulation of commerce to the central government.

When the Constitution was framed wagons or stage coaches naturally needed very little regulation, and slow sail boats did not present many interstate problems. The chief and perhaps the only purpose of this clause in the minds of the Constitution-makers was to prevent the States from interfering with the freedom of commercial intercourse among themselves; it referred to the articles to be transported rather than to the means of transporting them.

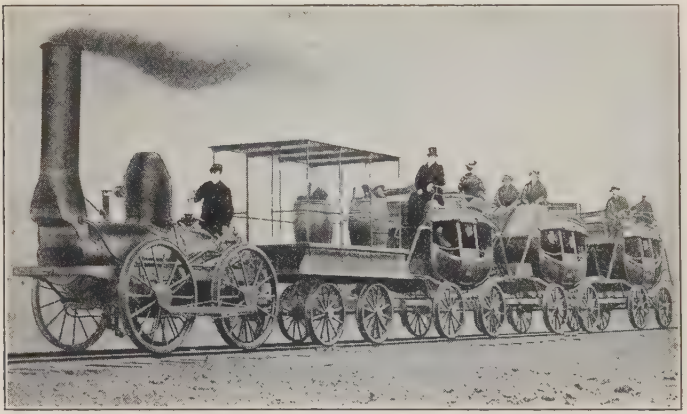


FULTON'S FIRST STEAM-BOAT.
The *Clermont.*

However, the Supreme Court decided that the power of Congress to regulate commerce could not be confined to the instrumentalities in use at the time of the adoption of the Constitution, but kept pace with inventions and with the growth of the country. Thus, by this liberal and progressive attitude of the court, Congress has been able to do many things through its "power to regulate commerce . . . among the several States."

Commerce Includes Navigation. — Thirty-five years after our government was established the Supreme Court was called upon to explain this commerce clause. Robert Fulton invented the steam-boat in 1807, and the legislature of the State of New

York granted to Fulton and Livingston the exclusive right to run steam-boats on the Hudson River. Another person, Gibbons by name, disputed the right, and in 1824 the Supreme Court decided, in an opinion prepared by Chief Justice Marshall, that "commerce" is not only the purchase, sale, and exchange of commodities, or "traffic," but is also "intercourse," which includes the means of traffic, at least on water, and hence includes "navigation." So the legislature of the State of New York did not have the right to grant an exclusive privi-



The First Railroad Train in New York State.

lege to any person to "navigate" her rivers, as Congress alone had been given authority to regulate commerce among the States.

Under the right "to regulate . . . commerce among the States" the courts have allowed Congress to extend its control over "navigation" until it now controls all navigable waters within States as well as between States. For example, between New York City and Albany, the United States Government deepens the channel, lights the river, inspects the boats, requires them to carry life-preservers, limits the number of passengers; and further, a bridge could not be built

across the Hudson River, where navigable, without permission from the Federal authorities.

Commerce Includes Transportation. — The first railroads were built about 1830. Until the Civil War their building was encouraged by the States. Subsequently, under the Granger movement of the Middle West, they were rather drastically regulated. States even interfered with interstate rates. In 1886 the Supreme Court checked this interference, and in 1887 Congress created the Interstate Commerce Commission. The

President Coolidge Speaking in the Radio.

Father of President Coolidge Hearing His Son Speak.

courts justified the regulation of interstate railroads under the commerce clause, saying that commerce means "traffic," "intercourse," and also "transportation."

Under this power to control interstate "transportation" the Federal government regulates rates for articles or persons carried from one State to another, limits the number of hours that employees are permitted to work, requires safety appliances, compels roads to pay damages to employees actually engaged in carrying on interstate commerce, or their assignees, if any employee is injured or killed through the negligence of any of the railroad's officers, agents, or employees.

Commerce Includes the Communication of Ideas. — The first

telegraph line was built in 1842 and the first telephone was exhibited at the Centennial Exposition in the year 1876. Both, when extending from one State to another, are regulated by the Federal government, inasmuch as the courts have said, "commerce includes the transmission of messages." It likewise regulates the wireless, because by means of this device messages are transmitted.

The Right to Regulate Commerce Includes the Right to Prohibit Commerce. — Congress has excluded from interstate commerce such commodities as lottery tickets, obscene publications, prize-fight films, and game killed in violation of State laws; and Congress has conditionally excluded from interstate commerce such commodities as diseased cattle, dangerous explosives, goods and persons infected with disease, and impure or misbranded foods and drugs.

It had become difficult for an honest man to compete because dishonest producers indulged in every dishonest device — from misrepresenting the quantity in a package to selling fraudulent remedies for cancer. The homely squash, when doctored, flavored, colored, and attractively packed, became "canned peaches"; the apple became "preserved strawberries"; oleomargarine dyed yellow took the name of "butter"; veal became "potted chicken"; and even mineral earths have been mixed with cheap meals to produce "flour." Therefore, Congress has enacted laws prohibiting the circulation in interstate trade of foods, beverages, and drugs that are misbranded as to quantity, quality, or place of production, that are injurious to health, or that make false promises as to their curative properties.

The Right to Regulate Commerce Includes the Right to Protect Commerce. — The Sherman Anti-Trust Law of 1890 was enacted under the power to regulate commerce. It prohibits "every contract, combination in the form of a trust [1] or other-

[1] The *trust* was originally a device by which several corporations engaged in the same line of business would combine to eliminate competition and regu-

wise, or conspiracy in restraint of trade or commerce among the several States, or with foreign nations." During the first twenty years *every* agreement in restraint of interstate or foreign trade was considered illegal, but since then the law has been modified as follows:

1. *The "Rule of Reason" Has Been Applied.* — During 1911 in the cases against the American Tobacco Company and the Standard Oil Company the Supreme Court announced that the anti-trust act forbids only *unreasonable* agreements in restraint of interstate and foreign trade. So in 1914 Congress created the Federal Trade Commission (see Sec. 119) to assist well-meaning business concerns in determining what is reasonable and what unreasonable. The Commission may examine the records of the business and may summon the concern to appear and explain certain practices, and may prescribe conditions under which it can avoid prosecution. But one who violates the anti-trust law may still be prosecuted directly without the intervention of the Federal Trade Commission.

2. *Labor Organizations Are Exempted.* — A 1914 Act of Congress provides that labor organizations not conducted for

late prices. This was done by creating a central board composed of the presidents or general managers of the different corporations and the transfer to them of a majority of stock from each of the corporations to be held "in trust" for the stockholders who thus assigned their stock. The stockholders received in return "trust certificates" showing that they were entitled to receive dividends on their assigned stock, though the voting power of it had been passed to the trustees. This enabled the trustees to elect all the directors of all the corporations, and thus prevent competition and insure better prices. Though the "trust" has been superseded by "holding corporations" and other devices, any monopolistic combination is to-day called a "trust."

A "holding corporation" is a corporation which purchases a controlling portion of stock in the various competing corporations, and controls those various corporations as trustees would, except that the holding corporation actually owns the stock. In case of the "Standard Oil Trust," the Standard Oil Company of New Jersey gradually exchanged its stock for that of the numerous different corporations. This, too, was considered in restraint of trade and the Supreme Court of the United States ordered that the stock be returned to the respective companies.

profit are not to be considered illegal combinations in restraint of trade, and that members are not to be restrained in carrying out the legitimate objects of their organizations. However, this provision does not legalize a secondary boycott, that is, it does not allow laborers to disturb the business of a third party because he buys his commodities from a firm against which a Union is endeavoring to enforce its demands.

3. *Export Firms Are Exempted.* — Foreign exporters have combined their efforts to obtain foreign trade. For example, German firms exporting a certain commodity have agreed upon a price and employed one set of salesmen who divide the orders among the firms. In America this price-fixing agreement was illegal; so a 1918 Act of Congress provides that agreements of firms organized solely for export trade are not illegal provided they are not in restraint of trade in the United States or in restraint of the export trade of any domestic competitor of the organized firms.

4. *Railroads Are Exempted with Consent of the Interstate Commerce Commission.* — Under the anti-trust act it was illegal for railroads to form combinations or " pools " for the maintenance of freight or passenger rates. By a Congressional Act of 1920 railroads are allowed to agree to the division of traffic or earnings with the approval of the Interstate Commerce Commission. Also this Commission is authorized to consolidate the railroads of the country into a limited number of systems.

5. *Farm Organizations Are Exempted.* — A 1922 Act of Congress allows farmers to form associations to market their products collectively and make necessary agreements to this end. If the Secretary of Agriculture finds that these agreements unduly enhance the price of agricultural products he may order the organization to desist from such restraint of trade.

43. Taxation. — The power conferred upon Congress to levy and collect its own revenues is almost absolute, except (1) that no duties may be levied upon exports; (2) that excises [1]

[1] See Sec. 45.

and import duties must be uniform throughout the United States; and (3) that direct taxes except income taxes, if levied, must be apportioned among the States on the basis of population.

Export Taxes Prohibited. — The reason for the Constitutional prohibition against the export tax is plain. Suppose Congress could levy an export tax on cotton amounting to five cents a pound. The English buyers of cotton would pay to the American growers no more than to those of other countries. Therefore, in order to compete, the American grower would have the tax to pay. As all cotton is grown in a few of the Southern States the South would have the entire tax to pay.

Excises and Import Taxes Must be Uniform. — The Constitutional requirement that excise taxes and import duties must be uniform throughout the United States means that these taxes must be the same on the same commodities in all parts of the country. To illustrate, the Federal excise tax on the manufacture of tobacco, playing cards, or oleomargarine must be the same in New York as it is in New Mexico. The import duty on uncut diamonds, which is now ten per cent *ad valorem,* must be the same at the port of New York as it is at the port of New Orleans.

Direct Taxes Must Be Apportioned. — Without the Constitutional provision that all direct taxes must be apportioned among the States on the basis of population, a tax of so much an acre on land would have worked a hardship on States with much cheap land but little population. When the Constitution was framed wealth was distributed among the States very nearly in proportion to population, and a tax in proportion to population was just; but since then wealth has concentrated in a few large cities and a direct tax which must be levied in proportion to population would be very unjust to rural States.

Power to Tax Is Power to Destroy. — With the three exceptions just considered the power of taxation is so absolute that

it may be used even to destroy an industry so long as Congress professes to be exercising its power of taxation, for the courts will not consider the motives of Congress. As an illustration, in 1914 Congress laid a tax of $300 a pound upon the manufacture of opium to be used for smoking and in this way destroyed the industry by taxation.

The white or yellow phosphorus used in the manufacture of the old-fashioned match is very poisonous. Workmen in match factories often had their teeth fall out or their jaw bones decay, and many died from the poison. Matches made from other materials were a little more expensive. The Constitution does not give Congress power to regulate labor conditions directly; therefore in 1912 Congress imposed a stamp tax of two cents a hundred on matches made of white or yellow phosphorus. As matches sell for one cent a hundred the phosphorus match industry was of course destroyed.

Taxation, in the form of tariff, has long been used to restrict or hinder the importation of various products in order to protect manufacturers in the United States from the competition of foreign manufacturers.

The only redress against high taxes on certain articles is the right of the voters to elect new congressmen who might repeal an objectionable tax law.

44. Direct Taxes. — Taxes which are actually borne by the person upon whom they are imposed, such as capitation taxes and taxes on land and buildings, are direct taxes. Such taxes have been levied by the United States government only in case of war emergency — five times in all. No direct tax has been levied since the Civil War, except an income tax which need not be in proportion to population since the adoption of Amendment XVI to the Constitution of the United States.

45. Indirect Taxes are those that can be shifted from the person who pays them to other persons, and are therefore indirectly paid by the people generally. To illustrate, such taxes are those which are levied on commodities before the

commodities reach the persons who consume them but are ultimately paid by the consumers as a part of the market price. Indirect taxes are of two kinds — *excises* and *customs*.

Excises, popularly known as internal revenue duties, are taxes on commodities produced in the United States, such as the stamp tax on tobacco, playing cards, and oleomargarine. (See Sec. 77.) The manufacturer pays the tax to the govern-

United States Custom House, New York.

ment when he buys internal revenue stamps to stick on each barrel or package, but ultimately the consumer pays the tax, since the manufacturer adds the cost of the stamp to his selling price.

Customs, popularly known as tariff duties, are taxes on commodities imported from foreign countries. (See Sec. 77.) The tariff rates are frequently changed, the most recent tariff act being that of 1922. The rates vary on different articles, now being as high as sixty per cent on many. Articles entering

the United States without tariff are said to be on the "free list" — *e.g.*, coffee, raw silk, agricultural implements; articles taxed at a low rate are said to be taxed "for revenue only" — *e.g.*, diamonds, chamois skins, pineapples; while articles taxed at a high rate are said to be taxed "for protection" — *e.g.*, eggs at 8 cents a dozen, automobiles at from 25% to 50% depending upon the rate imposed by foreign governments upon our cars, silks at 60%, jewelry 80%. The tax is often so high that certain articles are not shipped into this country at all. Then, of course, no revenue is collected, but the manufacturer of the articles in this country can charge more for these articles than otherwise, since foreign competition is removed. The tax is "for protection" to home industry. A traveler may bring into the country without tax articles acquired abroad for personal or household use to the value of $100.

The Corporation Tax is a tax on most kinds of corporations, joint-stock companies, and other associations. The rate is varied from time to time according to the needs of the government. It is an indirect excise tax, or license, upon the special privilege of operating as a corporation.

The Estate (Inheritance) Tax, imposed by the Revenue Act of 1926, varies from 1% of the whole net estate under $50,000 to 20% of that above $10,000,000. Deceased residents of the United States are not taxed on estates of less than $100,000. Credit is allowed up to 80% of this tax for estate tax paid to a State; i.e., if one's federal tax is $10,000 and he pays New York $8000 or more he pays the United States only $2000. Bequests to governmental, religious, charitable, and educational organizations are not taxed. (See Sec. 248.)

The estate tax is considered an indirect tax because it is on the privilege of bequeathing rather than on the property.

46. The Income Tax is expressly permitted by Amendment XVI. Congress varies the rate according to the needs of the government. The tax has always been progressive; that is, the greater one's net income the higher the rate.

The income tax imposed by the Revenue Act of 1926 varies from about 1% on the first $4000 of net income to about 25% on income exceeding $100,000. The law exempts $1500 for a single person; $3500 for a married person living with husband or wife, or the head of a family; and $400 for each dependent under eighteen years of age or incapable of self support.

47. Other Expressed Powers of Congress. — The power to regulate commerce and the power of taxation have been so liberally construed by the courts as to give rise to other powers not necessarily associated with taxation or commerce, and because of their far-reaching importance we have discussed them at some length. The following expressed powers of Congress need not be discussed in such detail.

Power to Make Money. — Congress has power to coin money and issue paper money, but the States are forbidden to do either.

Power to Borrow Money. — The Constitution gives Congress power to "borrow money on the credit of the United States." When there are unusual undertakings, like the construction of the Panama Canal or the World War, the usual revenues are not adequate and Congress borrows money. The ordinary method employed by the government for borrowing money is the sale of bonds.[1] Bonds which are used by governments and corporations when they borrow money are like promissory notes given by individuals when they borrow money — a promise to pay a certain sum at a specified time. The United States has been able to borrow money at a rate of interest as low as two per cent.

Bankruptcy. — Both Congress and the State legislatures have the power to regulate bankruptcy, but since the National law

[1] There are two forms of bonds — coupon and registered. A twenty-year coupon bond has attached to the bottom, like stamps, forty small engraved coupons, and every six months the owner cuts one coupon which represents his semi-annual interest, and has it cashed at bank as he would an ordinary check. Holders of registered bonds receive their interest by checks. A registered bond can be replaced if lost but a coupon bond cannot.

enacted in 1898 covers the entire domain of bankruptcy it supersedes all State bankruptcy laws.[1]

Naturalization is the process by which citizens of one country become citizens of another, and Congress has the power "to establish a uniform rule of naturalization." Under the immigration laws certain persons are not allowed to enter the United States, and naturally such persons are not permitted to become naturalized. This applies to Orientals; and the Chinese, the Japanese, the Burmese, and the East Indians have been refused naturalization. (See Secs. 110, 111.)

Postal Service. — Congress has power to establish post offices and post roads.[2] The government may condemn land for post-office sites and could condemn it for post roads should it become necessary. Of course a fair price must be paid the owner for his property. A State is not permitted to establish a postal system, nor is an individual. For instance, express companies could not make a business of carrying first-class mail.

Copyrights and Patents. — Congress has the power "to promote the progress of science and of useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries."

A copyright is the exclusive right of an author or his assignee to print and publish his literary or artistic work. The protection is granted by the government for a period of twenty-eight years; renewable for another twenty-eight years. The right extends to maps, charts, engravings, sculpture, dramatic or musical compositions, and pictures, as well as books. In 1912 the Supreme Court decided that moving pictures of *Ben Hur*, a copyrighted book, was a dramatization, and hence an infringement of the copyright. (See Sec. 121, note.)

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[1] For meaning of "bankruptcy" see U. S. Constitution, Art. I, Sec. 8, note.

[2] "Post roads" are all letter carrier routes in towns and cities, railroads and canals, and all the waters of the United States during the time that mail is carried thereon.

A patent is a grant of the exclusive right to manufacture, use, or sell a new and useful invention for a period of years. At present the number of years is seventeen, which term may be extended only by special act of Congress. (See Sec. 99.)

Weights and Measures. — Congress has power to regulate weights and measures. By a recent act of Congress fruit and vegetable barrels packed for interstate commerce must be of a prescribed uniform size. Congress could establish the metric system throughout the United States if it chose to do so.

Judicial Powers. — Congress has power to establish Federal courts, to define and punish piracy on the high seas, to define and punish offences against the law of nations, and to punish counterfeiters of Federal money and securities.

Power over Federal Districts. — Congress has power to legislate for territories of the United States, the District of Columbia, forts, dockyards, National parks, Federal buildings, etc.

War Powers. — Congress has power to declare war, to grant letters of marque and reprisal, to make rules concerning captures on land and water, to raise and support armies, to provide and maintain a navy, to make laws governing land and naval forces, to provide for calling out the militia, and to provide for organizing, arming, and disciplining the militia.

II. Implied Powers

48. The Elastic Clause. — The last clause of Article I, Section 8, of the Constitution, known as the "elastic clause," or the "necessary and proper clause," gives Congress power "to make all laws which shall be necessary and proper for carrying into execution the foregoing (expressed) powers." Chief Justice Marshall decided that "necessary and proper" means "convenient or useful." Therefore, Marshall concluded that this "necessary and proper" clause *implies* that Congress might pass any laws which are "convenient or useful" in carrying into execution those laws which Congress has a specific, undisputed right to enact.

Subsequent Supreme Court judges have construed the " necessary and proper clause " very liberally; they have practically changed the " and " in " necessary and proper " to " or," so that the Constitution really reads " necessary or proper." With this clause thus interpreted Congress has been able to exercise wider and wider powers.

The Constitution gives the United States express power to punish only four crimes — counterfeiting, felonies committed on the high seas, offences against the law of nations, and treason; but other laws that Congress has express power to enact would be worthless if it could not punish the breaking of them, therefore Congress has the *implied* right to punish all crimes against the United States.

The Constitution does not specifically allow Congress to charter a National bank, but the great Chief Justice Marshall decided that the right is *implied* in the power to collect taxes and to borrow money. State banks were not carefully managed and a National bank was " convenient and useful " for the safekeeping of the taxes collected.

The Constitution does not expressly provide for river and harbor improvements or the building of canals, but the power is *implied* from the expressed power to maintain a navy and regulate commerce.

The power of eminent domain is not expressly granted to the United States, but the expressed powers to establish post offices and to establish courts *implies* the necessity of post office buildings and court houses, therefore the United States can condemn land for these purposes by the right of eminent domain.[1]

If our Constitution could be more easily amended the meaning of its clauses need not be " stretched " to meet new conditions, but most of the *implied* powers would become *enumerated* powers through Constitutional amendments.

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[1] The right of eminent domain is the right that a government exercises in taking private property for a public purpose by paying the owner a fair price for it.

OUTLINE OF THE EIGHTEEN POWERS VESTED IN CONGRESS BY ARTICLE I, SECTION 8

49. Expressed Powers:

I. PEACE POWERS:

1. To lay taxes.
   a. Direct (not used since the Civil War, except income tax).
   b. Indirect.
      Customs = Tariff.
      Excises = Internal revenue.
2. To borrow money.
3. To regulate foreign and interstate commerce.
4. To establish naturalization and bankruptcy laws.
5. To coin money and regulate its value; to regulate weights and measures.
6. To punish counterfeiters of Federal money and securities.
7. To establish post offices and post roads.
8. To grant patents and copyrights.
9. To create courts inferior to the Supreme Court.
10. To define and punish piracies and felonies on the high seas; to define and punish offences against the law of nations.
11. To exercise exclusive jurisdiction over the District of Columbia; to exercise exclusive jurisdiction over forts, dockyards, National parks, Federal buildings, etc.

II. WAR POWERS:

12. To declare war; to grant letters of marque and reprisal; to make rules concerning captures on land and water.
13. To raise and support armies.
14. To provide and maintain a navy.
15. To make laws governing land and naval forces.
16. To provide for organizing, arming, disciplining, and calling out the militia.

50. Implied Powers:

18. To make all laws necessary and proper for carrying into execution the foregoing powers.

For example — To punish the breaking of any Federal law.
To establish National banks.
To improve rivers and harbors.
To dig canals.
To condemn property by eminent domain.

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Questions on the Text

1. In what Article and Section of the Constitution are most of the *expressed* powers of Congress enumerated?

2. Upon what clause of this Section is the theory of *implied* powers based?

3. What two general views are there as to the proper method of construing the Constitution?

4. Should a congressman refuse to vote for a law which he thinks a desirable law but unconstitutional?

5. Name some statesmen who have favored a liberal construction of the Constitution.

6. Name one or more strict constructionists.

7. What three restrictions are placed upon Congress as to the power of taxation?

8. What is the reason for prohibiting export taxes?

9. What is the meaning of import taxes? Why must they be uniform throughout the United States?

10. Explain how Congress has used the power of taxation for the purpose of regulating or destroying certain industries.

11. What is the only redress against unreasonably high taxes?

12. What are *direct* taxes? Has the United States levied any direct taxes since the Civil War?

13. What are *indirect* taxes? What two kinds of indirect taxes are there? By what other name are customs duties known? Give an example of a customs tax. Of an excise tax.

14. There are what two kinds of tariff? What is meant by *ad valorem* tariff? By specific tariff? By tariff for revenue? By tariff for protection?

15. What is meant by the corporation tax?

16. What is meant by an income tax? How much Federal income tax would a single man whose income is $5000 have to pay?

17. What is meant by foreign commerce?

18. Under its powers to regulate foreign commerce Congress has excluded what articles from the United States?

19. What is meant by interstate commerce?

20. Explain how the power of Congress to regulate commerce has expanded? Does commerce include navigation? Transportation? Wireless telegraphy?

21. What interstate commerce has been prohibited by Congress?

22. How has commerce been protected by Congress under its power to regulate interstate commerce?

23. What is a trust or monopoly?

24. What exceptions are there to the original meaning of the Sherman Anti-Trust law?

25. What are the two most important expressed powers of Congress?

26. May a State coin money or issue paper money?

27. What does *naturalization* mean? Who may not be naturalized in the United States?

28. What is meant by post roads?

29. What is a copyright? A patent? For how many years does each protect the author or inventor?

30. What war power has Congress?

31. What is meant by *implied* powers? Give examples.

32. What is meant by the *elastic clause?* What other name is given this clause? In what Article and Section of the Constitution is it found?

Questions for Discussion

1. The English Parliament has power to do "anything but make a man a woman or a woman a man." Why has Congress only about eighteen enumerated powers and those necessary and proper to carry the enumerated powers into execution?

2. Do you favor a "liberal construction" or a "strict construction" of the Constitution? Why?

3. Are direct taxes or indirect taxes more just? Which are easier to collect?

4. When a high internal revenue tax was placed on tobacco the people of Virginia, who manufactured large quantities of tobacco, felt that they were being unjustly taxed. The tax has not been reduced, but complaints are no longer heard. Why?

5. How could Congress destroy the manufacture and sale of tobacco in the United States?

6. Why was the tariff on champagne $3.00 a gallon and that on vinegar only four cents?

7. Is a protective tariff a tax in proportion to ability to pay?

8. When the tariff on luxuries, *e.g.*, 60 per cent *ad valorem* on silk fabrics, is so high that scarcely any are imported is it a tax on luxuries or merely a bounty to those who produce it in this country?

9. The patriarchs of old were blessed with many children, and their private property immediately benefited a large number. The multi-millionaires to-day are blessed with few children, and property from generation to generation tends to concentrate in a few hands. Does this condition make a high progressive income or inheritance tax more reasonable and expedient to-day than formerly?

10. By the 1926 Revenue Act, State inheritance taxes may cancel U. S. inheritance taxes up to 80%. Does this encourage State inheritance taxes? Would you favor applying the same rule to income taxes?

11. A congressman recently proposed that the National government borrow a billion dollars and lend it to States or counties for road-building under certain restrictions including provision for the permanent maintenance of the road. States and counties have to pay about six per cent interest on money that they borrow; the United States can borrow money at about four per cent. If the States and counties were to pay an average of six per cent interest to the National government, how long would it be before the debt would be entirely wiped out if the difference between four per cent and six per cent were applied to the principal? The National government has been an honest borrower; some States have not been honest. How much would the United States' reputation be worth in fifty years?

12. Under the Pure Food Act of 1906 the labels on bottles of patent medicines must name the ingredients of the medicine. Do you favor this "prying into a man's business" or do you favor the old theory, "Let the purchaser beware"?

13. Does the Federal Interstate Commerce Commission or the Virginia Corporation Commission regulate the rate of carfare between Norfolk and Richmond, Virginia? Between Norfolk, Virginia, and Baltimore, Maryland?

14. A ranchman was driving his sheep from Oregon to Montana through Idaho on the day that annual property taxes were assessed in Idaho. The tax assessor in Idaho endeavored to tax these sheep but was unsuccessful because the owner appealed to the Federal courts, basing his case upon Art. I, Sec. 8, Cl. 3, of the U. S. Constitution. Explain.

15. The revenue act of 1924 provided that the amount of federal income tax paid by corporations and individuals be open for public

inspection. This law, called the "glass pocket law," was repealed by the Revenue Act of 1926. Give arguments for or against the law.

16. The Douglas Fir Exploitation and Export Company handles the export trade for the lumber mills of the Northwest, and the Pacific Export Flour Company handles the export business for the flour mills of that region. What are the benefits of such combinations?

17. The following products imported to the United States are controlled by foreign selling combinations: sisal from Yucatan, nitrates and iodine from Chile, potash from Germany, tin from the British colonies, rubber from the Dutch and British East Indies, quinine from the Dutch colonies, mercury from Spain and Austria, and coffee from Brazil. Would you favor extending to American importers the same privilege of combining that is extended to American exporters, that they may thus meet foreign selling combinations on common ground?

18. A patent gives a person a monopoly. Socialists claim that anybody should be permitted to manufacture a patented article who will pay the patentee a uniform royalty determined by the government. Advance arguments for and against this claim.

19. It is unlawful to use a copyrighted musical selection in a public performance for profit without the consent of the copyright owner.

If the owner of a copyright permits one manufacturer to make musical records, any other manufacturer may do so by paying a royalty of two cents on each record to the copyright owner. Composers object to this Federal law, claiming that it discriminates in favor of the performer whose rendition cannot be copied without his consent.

In 1925 the U. S. 6th Circuit Court of Appeals forbade a manufacturer of radio products to broadcast a copyrighted musical composition entitled "Dreamy Melody" without permission of the copyright owner. Argue for or against each of the above laws and decision.

20. In 1919 Congress established a fine of $5000 or imprisonment for not more than five years, or both, for a thief who runs a stolen car across a State or national line, or for one who intentionally receives, conceals, or disposes of it. Under what power of Congress was this law enacted?

21. Washington State authorities refused Mr. Buck permission to run a through auto stage line over the Pacific Highway between Seattle, Washington, and Portland, Oregon, because the route was already well supplied by trains and stages. The U. S. Supreme Court (1925) decided that Mr. Buck had been denied a Federal privilege. What privilege? Of course the State could require Mr. Buck to conform to reasonable regulations for the protection of the road or traffic.

CHAPTER VII

CONGRESS IN ACTION

51. Organization of the House of Representatives. — *Officers.* — Before a new Congress assembles it is known which party will control the House; and the members of the majority party hold a caucus (see Sec. 57) to nominate the Speaker, who is the presiding officer of the House; a clerk; a chaplain, who opens each daily session with a short prayer; a sergeant-at-arms, who preserves order;[1] a door-keeper; a postmaster; and other less important officers. As the action of this caucus is considered binding upon the majority members, the final election after the House convenes is a mere formality.

Opening of a New Congress. — Representatives who are elected in November of the even-numbered year succeed their predecessors the following March, when the previous Congress officially ends; but unless a special session is called between March 4 and the first Monday in December they will not be sworn in until the latter date — thirteen months after election. Immediately after the expiration of a Congress at noon on the 4th of March of every odd-numbered year the House is without a Speaker and committees. It has no rules, no sworn membership, and no actual existence as an organized body. All un-

[1] The sergeant-at-arms also has charge of the halls and pays members their salaries, but his most interesting function is that of custodian of the mace, a representation of the Roman *fasces* surmounted by a globe and an eagle of silver, which is the symbol of authority. When the House is in session the mace is always in a stand to the right of the Speaker. If the Speaker cannot maintain order he instructs the sergeant-at-arms to approach the unruly member with the mace and demand order in the name of the House. If the display of the mace does not restore order, the House may authorize the sergeant-at-arms to arrest the unruly member.

passed bills of the old Congress are dead and must be reintroduced when the new Congress organizes.

When a new Congress assembles in December the members-elect are called to order by the clerk of the preceding House. The clerk reads a roll of members-elect whose credentials are in due form; the members-elect select a Speaker, who takes his oath of office from the oldest member-elect in point of service — called "the Father of the House"; the Speaker, in turn, administers the oath to members-elect against whom no objections are raised by fellow members; the Democrats seat themselves to the right of the center aisle, the Republicans to the left; and, finally, the new clerk is chosen. The rules, usually those of the preceding House, are adopted. Thus the House is organized.

The Senate, a continuous body, is notified that the House is organized and ready to proceed to business. A joint committee of the two houses notify the President that they are ready to receive any communications. The following day the President's message, outlining desired legislation, is sent to the houses and read, or delivered by the President himself if he desires, as Washington, Adams, Wilson, and Harding did.

52. Rules of Procedure. — According to the Constitution each house may make its own rules of procedure, but must keep a public journal showing how motions are disposed of and the vote for and against bills and resolutions. It also requires the votes of each member to be recorded if one fifth of the members present demand it. This requirement enables a small number of members to put all the members on record, and thus their constituents may know how their representatives have voted on important bills.

Senate Rules are not so drastic as those of the House because the body is smaller and can proceed in a somewhat less formal manner. The President of the Senate recognizes members in the order in which they rise, and a member may speak as long as he chooses, unless the Senate resorts to the closure rule,

Bird's-Eye View of Washington, D. C.
Union Station
Post Office
Senate Building
Capitol
Library of Congress
House Building
Official Photograph, U. S. Army Air Service

which was adopted in 1917. According to this rule, on petition of sixteen senators, supported two days later by a two-thirds vote of the Senate, no senator can speak on the measure under discussion more than one hour. Thus the old abuse of "talking a bill to death," which is known as *filibustering*, may be prevented if two thirds of the members desire to do so.

House Rules are changed oftener than Senate rules, and are more drastic, otherwise the large house would make no progress. A member may not speak more than an hour without unanimous consent; the Speaker is not obliged to recognize members in the order in which they rise; and a majority, by means of the "previous question," [1] may end a debate at any time.

Though the rules prescribe a regular order of business for each day in the week — *e.g.*, Friday is "private bill day" — most bills are considered when the regular order of business is departed from. The regular order of business may be departed from by the unanimous consent of the members or by the adoption of a "special order" recommended by the committee on rules. On two Mondays in every month, and during the last six days of the session, rules may be suspended by a two-thirds vote, and therefore popular bills may be taken up out of their regular order.

The House Committee on Rules was originally intended to report upon desirable changes in the rules of the House. Gradually it obtained the power to determine the order of procedure and practically what measures should be considered. Until 1910 it was composed of five members, the Speaker and four others appointed by him — two of the majority party and two of the minority. This allowed the Speaker to dominate legislation to such an extent that he spoke of the committee as consisting of "myself and two assistants," the two assistants being members of his own party whom he could control. By 1910 Speaker Cannon so offended the "progressive" Republi-

[1] "The previous question" means, "Shall the main question now be put?"

cans that, with the aid of the Democrats, they passed a rule depriving the Speaker of membership on the committee and increased the size of the committee to ten members.[1] The appointment of this committee and of all other committees was finally taken from him.

53. Committees. — The House of Representatives has become too large for free debate and neither the House nor the

Photo by Harris and Ewing.

WAYS AND MEANS COMMITTEE OF THE SIXTY-SEVENTH CONGRESS.

Senate could work out the details of important legislation upon the floors of the houses. Therefore each house is divided into numerous standing committees, which are permanent throughout a term of Congress (two years), and into other temporary committees. The Sixty-seventh Congress had sixty standing committees in the House and thirty-four in the Senate. The committees vary in size from two members of the Committee on the Disposition of Useless Executive Papers to thirty-five members of the Committee on Appropriations.

[1] This Committee has since been increased to eleven members.

These committees investigate proposed legislation and recommend for passage the bills which they approve. In each house there are only twenty-odd active committees, and though these vary in importance from time to time the following ten are of first importance:

House of Representatives	*Senate*
Rules	Rules
Ways and Means	Finance
Appropriations	Appropriations
Rivers and Harbors	Public Expenditures
Military Affairs	Military Affairs
Naval Affairs	Naval Affairs
Foreign Affairs	Foreign Relations
Interstate and Foreign Commerce	Interstate Commerce
Judiciary	Judiciary
Banking and Currency	Commerce

Until the year 1910 all members of House committees were selected by the Speaker, but since 1911 all of these committees have been elected by the members of the House.[1] Senate committees are also elected by members of the Senate.[2] The majority party of each house gives the minority party representation on each committee.

[1] Though the committees are formally elected by the members of the House they are really chosen in a very different manner. When the Republicans gained control of the House in 1919 they created a Committee on Committees to select the Republican members. This committee consists of one Republican from each State having Republican representation in the House, and each committeeman casts as many votes as there are Republican representatives from his State. The Democratic committee members are selected by the Democratic members of the Ways and Means Committee, who are named by the Democratic caucus. These nominated members of the standing committees are then promptly elected by the House.

Members continue upon the same committees term after term unless transferred upon request of the member or for special qualifications.

The committee member longest in continuous service is usually made chairman according to the rule of seniority. The Senate has the same rule.

[2] Committees of the Senate are in reality chosen by two Committees on Committees selected by the caucuses of the two leading parties. The nominees of these committees are usually elected by the Senate without debate.

The names of committees indicate the class of bills which the Speaker of the House and the President of the Senate refer to them; for instance, the Speaker refers bills for raising revenue to the Ways and Means Committee of the House and the President of the Senate refers them to the Finance Committee of the Senate.

54. Bills. — Any member of either house of Congress may prepare and introduce bills, except that a bill for raising revenue must be introduced in the House by a representative. But the most important bills are prepared by committees and introduced by committee chairmen. During the Sixty-eighth Congress 17,462 bills and joint resolutions were introduced in the two houses. Of these 941 were enacted. Thus less than six per cent of those introduced became law. However, most of them were not introduced to become law, but merely "to please the voters back home."

A bill may become law by a majority vote of each house of Congress and the signature of the President. If the President vetoes a bill, it may still become a law if passed by a two-thirds vote of each house. Or, if the President takes no action within ten days, Sundays excluded, the bill becomes a law without his signature, provided Congress does not adjourn meanwhile. If Congress does adjourn within the ten day period the bill does not become law without the President's signature. This method of killing a bill is known as the " pocket veto."

55. The Fordney-McCumber[1] Tariff Bill Traced. — On March 4, 1921, President Harding entered office with a Republican Congress pledged to a protective tariff policy. He called a special session of Congress which convened April 11; but the Republican members of the Ways and Means Committee began framing a tariff bill on March 21 and continued until June 29 when the bill was ready for introduction.

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[1] A law commonly takes its name from the chairman of the House committee and the chairman of the Senate committee to which the bill has been referred.

This bill "to regulate commerce with foreign countries, to encourage the industries of the United States, and for other purposes" was introduced by Representative Fordney of Michigan, Chairman of the Ways and Means Committee, June 29, by placing it in the "hopper" of the House.[1] The parliamentary clerk at the Speaker's table, acting for the Speaker, numbered the bill H.R. 7456, there having been 7455 other bills introduced by members of the House of Representatives since the 11th of April. He referred it to the Committee on Ways and Means. The bill was recorded by its title in the Journal of the House[2] and in the Congressional Record[3] for that day and thus brought to the attention of the members.

The Committee further considered the bill until July 6 when Mr. Fordney, acting for the Committee, reported it back to the House without amendment. It was listed upon the proper calendar, announced by title to the House, and referred to the Committee of the Whole.[4] The House resolved itself into Com-

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[1] The "hopper" is a large basket in which new bills are deposited.

[2] The Journal of the House contains the minutes of the proceedings from day to day, which are read at the opening of each daily session.

[3] The Congressional Record reports the debates of congressmen, the motions, the votes, and the disposition of bills. Each morning a copy of it is furnished to each member of Congress. The official reporters always correct the English of speeches and often give them a more elegant finish without changing the meaning.

[4] After revenue or appropriation bills have been reported from one of the standing committees, the House always resolves itself into the Committee of the Whole in order that these bills may be discussed freely. This committee is composed of all the members of the House, but only 100 are required for a quorum, therefore members who are not interested in the bill under consideration need not attend. It operates with less formal rules than the regular sessions of the House and no individual votes are recorded — only the totals. The Speaker does not preside when the House is in Committee of the Whole but calls another member to the chair. There is no reason for his vacating the chair except that we follow the old English custom whereby the Speaker of the House of Commons was excluded from the Committee of the Whole of Parliament for fear he would report to the King what was being discussed in committee. The mace is also removed from its high pedestal at the right of the Speaker. In Committee of the Whole the bill is discussed in

mittee of the Whole day after day for the consideration of this bill, and here only was it read and considered section by section. On July 21 the Committee of the Whole reported the bill back to the House with amendments. The bill was ordered "engrossed," that is, printed upon paper of a fine texture under the direction of the clerk, and passed the same day by a vote of 288 yeas to 127 nays.

The clerk of the House carried a certified copy of the bill to the Senate and announced that it had been passed by the House. On July 22 the bill was referred to the Finance Committee. (It should be noted that there is no Ways and Means Committee in the Senate, as all bills for raising revenue originate in the House.) Public hearings were held from July 25 to August 31, when the internal revenue bill came to the Committee and required all of its time until November 3, when tariff hearings were resumed and continued until January 9, 1922. From then until April 10 the Committee was engaged in the preparation of amendments. On April 11 Senator McCumber of North Dakota, Chairman of the Finance Committee, reported it to the Senate with these amendments. On May 6 Senator Simmons of North Carolina submitted a minority report expressing the views of the Democratic members. The bill was freely debated by the Senate "as in Committee of the Whole" and passed with amendments by 48 yeas to 25 nays on the 19th of August.

As the bill had been amended by the Senate it was necessary to have a conference committee of the two houses to reconcile the differences, therefore the Speaker appointed five representatives and the President *pro tempore* (the President of the Senate being absent) appointed five senators. This committee

detail, and amendments are usually recommended when it is reported back to the House (regular session) for final vote.

In the Senate all bills are debated *as in Committee of the Whole.* The Senate "Committee of the Whole" differs very little from the Senate proper. The President of the Senate remains in the chair and a full majority of the whole body is necessary for a quorum.

brought the houses to an agreement and the amended bill was accepted by the respective houses. After the presiding officers of the houses had signified this agreement the bill was sent to the President, who signed it on the 21st of September, 1922. Thus did bill H.R. 7456 become Public Law No. 318, this being the 318th bill of a public character enacted into law by the Sixty-seventh Congress.

56. Making the National "Budget." — Nearly every civilized state has a finance minister who prepares a statement of the estimated cost of conducting the government and indicates how the necessary money is to be raised. The legislative body of such a state accepts the proposal or rejects it, or may decrease certain items, but it may not increase them. This method of raising money and expending it creates a true budget.

When the Congress of the United States created the office of Secretary of the Treasury it provided that the Secretary should be a true finance minister. His duty was "to prepare and report estimates of the public revenue and the public expenditures." Alexander Hamilton, the first Secretary of the Treasury, prepared a true budget, which provided for raising the revenue as well as appropriating it.

In the early part of the nineteenth century the House created a Committee on Ways and Means to provide revenue and to make all appropriations, thus taking from the Secretary of the Treasury the responsibility of creating a true budget.

For many years one annual bill provided for raising all revenue and also for its expenditure. Gradually more and more appropriation bills were passed each year, but all were prepared by the Ways and Means Committee.

As a result of the Civil War a new committee, known as the Committee on Appropriations, was created to prepare all appropriation bills, the Committee on Ways and Means continuing to prepare all bills for raising revenue. In 1885 the House began to divide the work of creating appropriation bills among

various committees, and by 1920 there were eight such committees.[1]

Congressmen were elected for membership on these committees because of their special interest in the services for which these appropriations were to be made. So each committee was inclined to obtain as much money as possible from the Treasury, regardless of its relative importance. Likewise, each congressman, through these various appropriating committees, endeavored to get as much money as possible out of the Treasury to be spent in his home district — to use the congressional phrase, " to get pork out of the public pork-barrel."

These " pork-barrel " appropriations were commonly obtained for pensions, private claims, Federal officers, post offices in small towns where they were not needed, for a new army post or naval station wherever the committee chairman's district happened to be, and for river and harbor improvements where there was little commerce. Some years ago Senator Tillman of South Carolina openly declared that when general stealing is going on it is a Senator's business to see that his State gets its share. During a Senate debate he declared: "The whole scheme of river improvement is a humbug and a steal; but if you are going to steal, let us divide it out, and not go on complaining." Upon another occasion when the naval appropriation bill was before the Senate he remarked: " We have a little orphan of a

[1] The committees that prepared appropriation bills until 1920 were:

1. Committee on Appropriations. This committee prepared bills for the legislative, executive, and judicial expenses; for sundry civil expenses; for fortifications and coast defences; for the District of Columbia; for pensions; and for all deficiencies.
2. Committee on Military Affairs.
3. Committee on Naval Affairs.
4. Committee on Indian Affairs.
5. Committee on Foreign Affairs.
6. Committee on Post Offices and Post Roads.
7. Committee on Rivers and Harbors.
8. Committee on Agriculture.

The Committee on Claims and the Committee on War Claims prepared special appropriation bills from time to time.

naval station down in South Carolina, for which I am trying to get a few crumbs of this money which is being wasted."

Each congressman was able to get "pork" for his district because he helped every other one to get it for his own. This practice of working together in securing appropriations is known as "log-rolling" — a term drawn from pioneer life where neighbors lent a hand in rolling logs when a settler was building his cabin.

This pork-barrel-log-rolling practice was a natural result of the irresponsible system of budget-making in the United States, and showed the great need of reform. Therefore, in 1920, the House increased the membership of the Committee on Appropriations from twenty-one to thirty-five; and provided that all House appropriation bills should be handled by this single committee.

In 1921 the Budget Act created the Bureau of the Budget, with a director and an assistant. Under this new Act the head of each department and establishment prepares an estimate of its needs for the succeeding year and transmits it to the Bureau by September 15. It is the duty of the Bureau to examine these estimates, and, under such rules and regulations as the President may prescribe, prepare for him the Budget. The President then transmits this to Congress on the first day of the regular session — the first Monday in December.

The committees that formerly had power to prepare appropriation bills continue to prepare legislative bills for their services, but are dependent upon the Committee on Appropriations to provide funds for their projects.

57. The Party Caucus. — Each party in the House of Representatives has a secret conference of its members, known as the party caucus, for the purpose of securing unanimous party action on any important question. The important question may be the nomination of the speaker, the floor leader, or the whips[1]

[1] A "whip" is a member of a party who looks after the interest of the party and secures the attendance of as many members as possible when an important vote is to be taken.

of the party. More often the work of the caucus is to determine the party attitude on pending legislation.

When important legislation is under consideration the majority caucus meets and decides whether or not the bill will be made a party measure. In the caucus each member may speak freely; but if the majority decide to make the bill a party measure every member of the party is expected to vote for it in the House. For instance, when the Underwood-Simmons Tariff Bill was under consideration in 1913 the Democratic caucus decided that the bill should pass the House, and that it should not be amended by the House unless Mr. Underwood himself, chairman of the Ways and Means Committee, should offer the amendment. If any member fails to vote as directed by the caucus he is likely to lose all influence in the party.

The minority party of the House also has a caucus for the selection of its leaders and to determine whether it will act solidly as a party in opposing a bill favored by the majority party.

The Democratic caucus is held in secret. In 1913 the caucus of the Republican party in the House was thrown open to the public, but that too is now held in secret under the name "conference," and its action does not seem as binding upon its members as of old. The results of both are given to the press.

The political parties in the Senate also have their caucuses. In fact, there is a special caucus room in the Senate Building as well as one in the House Building. Both of these are spacious rooms which adequately accommodate all members of either political party.

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Questions on the Text

1. What is a *caucus?*
2. When are Representatives elected? How many months later do they succeed their predecessors? How many months later do they ordinarily take their seats?
3. Who calls a new Congress to order?
4. How is the Speaker of the House chosen?
5. A term of Congress extends over how many years? Does the Senate ever have to reorganize?
6. Who makes the rules of procedure for each house?
7. How many members of each house are necessary to demand that all votes on any measure be recorded?
8. How long may a member of the Senate speak? What is meant by a *filibuster?*
9. How long may a member of the House speak? How may a debate be brought to a close in the House?
10. Under what conditions may a bill be taken up out of its regular order?
11. What committee recommends changes in the rules of the House?
12. What duties are performed by the committees of the House and of the Senate? About how many committees are there? Name some of the most important ones.
13. How are House committees chosen?
14. Who may introduce bills? About what proportion of the bills introduced become law?
15. Name the steps through which a bill must pass to become law?
16. When a term of Congress comes to an end what becomes of all the bills which have been introduced during that term?
17. Trace the course of the Fordney-McCumber Tariff Bill.
18. What is the Journal of the House? How often read?
19. What is the Congressional Record? How often issued?
20. What is the Committee of the Whole? How many members are necessary for a quorum? Who presides?
21. Explain the provisions of the Budget Act of 1921.
22. Explain the party caucus.

Questions for Discussion

1. Why cannot a bill be defeated in the House of Representatives by filibustering as well as in the Senate?
2. Around every legislative body are numerous lobbyists, or persons whose business it is to influence legislation. Capitalistic organizations,

labor organizations, and similar bodies keep lobbyists in Washington. Some lobbyists are kept there purely for selfish or corrupt purposes, and some to educate Congress concerning the needs of the country. Do you think it would be wise to require all lobbyists to register with the clerk of the House in order that it might be publicly known how much and what kind of influence is being brought to bear on Congress? (See Sec. 167.)

3. A roll-call of 435 members requires much time and a representative recently introduced a bill providing for an electric voting machine with which each member could record his vote "yes," "no," or "paired," by pressing one of three buttons attached to his seat. At the clerk's desk the machine would puncture a hole in one of three columns opposite the names of the members, and give the total at the bottom of each column. That each member may know how the others are voting it is also proposed that the names of all members be posted on the wall back of the Speaker with a red, blue, and white small electric bulb opposite his name, the color of the light indicating the nature of his vote. What arguments are there for and against this scheme?

4. The fate of all important bills is determined in the majority party caucus. Our laws are really not enacted by a majority of Congress but by a majority of the majority party in each house. As a result of this custom a bill might conceivably become a law when only one fourth plus one of the members favor it. This is party government and is efficient, but it has some disadvantages. Discuss the custom.

5. Unless an extra session is called, a congressman does not take his seat until thirteen months after his election. In the meantime the members of the old Congress who have been reëlected to the new make all arrangements for the organization of the new Congress, the newly elected members merely ratifying the work of the old organization. What are the advantages and disadvantages accruing from this custom?

6. In the spring of 1914 Representative Hobson introduced in the House a resolution to amend the Constitution, giving Congress power to regulate the manufacture of liquors. The resolution was referred to the Judiciary Committee. Congressmen who were unwilling to vote upon the question before the November election hoped that the Judiciary Committee would live up to its reputation of being a "legislative morgue." But the committee members, aroused by criticism against them, refused to "hold the bag," and on May 5 reported the resolution to the House without recommendation. Explain the words "legislative morgue."

7. Representative Fitzgerald, a former chairman of the Committee on Appropriations, thought that no money should be appropriated

from the Treasury except by a vote of two thirds of each house of Congress, unless requested by one of the department heads and submitted to Congress by the President. Do you favor this proposal? Instead of requiring a two-thirds vote for appropriations not requested by one of the department heads, would you favor a vote of two thirds for all appropriations not recommended by the Budget Bureau? By the new Committee on Appropriations?

8. William C. Redfield, former Secretary of Commerce, said that the most serious weakness in the daily operation of our government is the gap between the legislative and the executive. Busy congressmen in their debates are constantly raising questions regarding our administrative departments that no one present can answer. If the cabinet member whose department is under discussion could be present, he would either answer satisfactorily the questions raised or else expose the weakness of his department. Would you favor giving cabinet members the right to speak in the houses of Congress?

9. Prepare a bill on some subject in which you are interested. All bills must begin with the following enacting clause:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that, etc.

10. Referring to Rule 22 of the Senate which permits unlimited debate and makes filibustering possible, Vice President Dawes said: "That rule which at times enables senators to consume in oratory those last precious minutes of a session needed for momentous decisions, places in the hands of one or of a minority of senators a greater power than the veto power exercised under the Constitution by the President of the United States."

On the other hand, Senator Norris of Nebraska claims that filibustering by one or by a minority may be justifiable. He instances the ship-subsidy bill under President Harding's administration. He says there was no chance to pass this bill during the first session, but that after the election when a number of members were defeated the second session would have passed the measure by votes of defeated members who desired to support the President's measure and thus ingratiate themselves for appointment to some good post. But a filibuster prevented it.

There are now four constitutional checks on popular government. The voters are represented by elected members of Congress, there are two Houses to check one another, the President has the veto, and the courts may declare an Act of Congress unconstitutional. Do we need an additional check, the filibuster?

CHAPTER VIII

THE EXECUTIVE DEPARTMENT

I. The President

58. Qualifications of the President. — The President of the United States must be a natural born citizen of the United States, must be at least thirty-five years of age, and must have been for fourteen years a resident within the United States.

59. Election of the President. — The framers of the Constitution intended to remove the office of chief magistrate so far as possible from the passions of the masses. Accordingly they arranged that the President should be chosen indirectly by a "college of electors" composed of as many members as there are representatives and senators in Congress. These electors were expected to use their own judgment and to select the fittest person for the presidency. This system of electing the President continues, but since Washington's two terms (1789–1797), *i.e.*, since political parties became well defined, these electors have been merely honorary mouth-pieces to vote as their political party directs.

Each State is entitled to as many electors as it has representatives and senators in Congress, and may select them in any manner that the State legislature desires. At first the legislatures themselves chose the electors, and chose those who were known to favor certain candidates. This method was considered undemocratic, and gradually the legislatures transferred the choice of the electors from themselves to the voters of the respective States.

In some States two electors were chosen by the voters of the State-at-large, and the remaining electors were chosen by con-

gressional districts. The result was that some districts chose Democratic electors, while others chose Republican electors. But the majority party of each State saw that all its electors could be elected if they were chosen at large, and naturally the majority party abandoned the district system in favor of the State-wide system.

To-day all States choose their quota of electors by a general State-wide ticket; thus a State whose Democratic voters are in the majority will select all Democratic electors, and a State whose Republican voters are in the majority will select all Republican electors.[1] For instance, in 1884 the Democratic party in New York had a majority of only about 1000 in a total vote of more than 1,000,000; but all of the thirty-six Democratic electors were chosen and cast their votes for the Democratic candidate, Mr. Cleveland. On the other hand, the Republican party in Pennsylvania had a majority of 81,000 in a total vote of 866,000, and hence all of the Republican electors were chosen. In other words, in these two States Blaine received 80,000 more popular votes than Cleveland, but Cleveland received six more electoral votes than Blaine. If the Democrats had not carried New York State Blaine would have been elected President of the United States instead of Cleveland.

On several occasions the presidential candidate who received the most popular votes throughout the country did not receive the most electoral votes, and was therefore not elected. For instance, in 1888 Harrison received 233 electoral votes against

[1] There are numerous instances where the electoral vote of a State has been divided, even with the State-wide ticket. In 1908 Maryland gave two electoral votes to Taft and six to Byran, although a small majority of the voters of the State thought they were casting their full vote for Taft. The election was so close that the few voters who blundered by marking their ballots for the first-named Taft electors only, believing that they were thereby voting for all of the Taft electors, caused six votes to go to Bryan. On another occasion one of the electors in California was defeated because of a decision he had rendered as a judge.

Cleveland's 166 and was elected, though Cleveland received about 100,000 more popular votes than Harrison. This was due to the fact that Cleveland's electors piled up votes in the Southern States, whereas the Harrison electors carried Northern States by small majorities. The accompanying table shows exactly how the popular vote and electoral vote were cast for each candidate at this election.

In brief, the President is to-day elected as follows: Each political party nominates a candidate for the presidency at a national convention (see Sec. 149) held in June or July of the "presidential year." About the same time the various parties in each State nominate, in any manner the State legislature permits, the quota of electors to which the State is entitled. These nominees are voted for in the various States on the Tuesday following the first Monday of November in each "leap year." To illustrate, a Republican in Massachusetts votes for the eighteen Republican electors as shown on the ballot on page 119.

If, after the State election board has received all the returns of the election from the various local election boards, it is found that the Republican electors have received more votes than any other set of electors, they assemble at the capital city, Boston, and cast their votes the second Monday of the January next following. These votes are signed by each elector, sealed, and sent by mail to the president of the United States Senate.[1] Each of the other States follows the same method.

On the second Wednesday in February the president of the Senate opens these returns and, in the presence of the two houses, counts them and declares the candidate elected who

[1] A duplicate copy of the votes is also sent to the president of the United States Senate by a special agent chosen by the electors — usually one of them. The National government allows this special agent twenty-five cents a mile for traveling expenses. Another duplicate copy of the votes is deposited with the United States District Judge.

States	Popular Vote		Electoral Vote	
	Harrison	Cleveland	Harrison	Cleveland
Alabama	56,197	117,320	—	10
Arkansas	58,752	85,962	—	7
California	124,816	117,729	8	—
Colorado	50,774	37,567	3	—
Connecticut	74,584	74,920	—	6
Delaware	12,973	16,414	—	3
Florida	26,657	39,561	—	4
Georgia	40,496	100,499	—	12
Illinois	370,473	348,278	22	—
Indiana	263,361	261,013	15	—
Iowa	211,598	179,887	13	—
Kansas	182,934	103,744	9	—
Kentucky	155,134	183,800	—	13
Louisiana	30,484	85,032	—	8
Maine	73,734	50,481	6	—
Maryland	99,986	106,168	—	8
Massachusetts	183,892	151,856	14	—
Michigan	236,370	213,459	13	—
Minnesota	142,492	104,385	7	—
Mississippi	30,096	85,471	—	9
Missouri	236,257	261,974	—	16
Nebraska	108,425	80,552	5	—
Nevada	7,229	5,362	3	—
New Hampshire	45,728	43,458	4	—
New Jersey	144,344	151,493	—	9
New York	648,759	635,757	36	—
North Carolina	134,784	147,902	—	11
Ohio	416,054	396,455	23	—
Oregon	33,291	26,522	3	—
Pennsylvania	526,091	446,633	30	—
Rhode Island	21,968	17,530	4	—
South Carolina	13,736	65,825	—	9
Tennessee	138,988	158,779	—	12
Texas	88,422	234,883	—	13
Vermont	45,192	16,785	4	—
Virginia	150,438	151,977	—	12
West Virginia	77,791	79,664	—	6
Wisconsin	176,553	155,232	11	—
Total	5,439,853	5,540,329	233	168

has received the majority of electoral votes (now 531). If no candidate has a majority (266) of all the electoral votes, the House of Representatives elects one of the three leading candidates, the representatives from each of the 48 States casting one vote. If no candidate receives a majority (25) of these votes by the fourth of March next following, the Vice-President is inaugurated as President.

The uselessness of our Electoral College was expressed in an interesting way by Elbert Hubbard in the following sentences: "The original argument [in favor of the Electoral College] was that the people should not vote directly for President, because the candidate might live a long way off, and the voter could not know whether he was fit or not. So they let the citizen vote for a wise and honest elector he knew. The result is that we all now know the candidates for President, but we do not know the electors. The Electoral College in America is just about as useful as the two buttons on the back of a man's coat, put there originally to support a sword belt. We have discarded the sword, yet we cling to our buttons."

However, it would not be practical to elect the President by a direct popular vote of the people, because a State with unrestricted suffrage casts several times as many votes as a State of the same population with suffrage restricted by educational qualifications. But presidential electors should be dispensed with, each State retaining its apportioned number of electoral votes. Then the voters would cast their ballots directly for the presidential candidate of their preference, and the candidate receiving the most popular votes in each State would be entitled to all the electoral votes of the State. This method of electing the President would save the trouble of nominating presidential electors, the cost of printing their names on the ballots, the expense of having them assemble to cast their votes, the expenses of one elector from each State who carries the votes to Washington, and would avoid the difficulties arising from the death of electors before their votes are cast.

SPECIMEN BALLOT
for
BOSTON
Ward 21
Precinct 10

The Commonwealth of Massachusetts.

List of Candidates nominated, to be voted for November 4, 1924

SPECIMEN BALLOT

Penalty for wilfully defacing, tearing down, removing or destroying a List of Candidates or Specimen Ballot—fine not exceeding One Hundred Dollars

Frederic W. Cook
Secretary of the Commonwealth

To vote for Electors of One Party, mark a Cross X in the Square at the right of the Party Name.
ELECTORS OF PRESIDENT AND VICE PRESIDENT. Vote ONCE.

COOLIDGE and DAWES ~~~ Republican

1. George A. Adams of Longmeadow	8. William M. Butler of Lowell
2. Hector S. Fearing of Boston	9. Emma Hill Schofield of Boston
3. Arthur L. Gaylord of Malden	10. Frank Gardner Ball of Boston
4. Charles S. Warner of Pittsfield	11. Francis F. Rooney of Boston
5. Theophilus Abbott of Worcester	12. Gil E. Gilbert of Boston
6. Frank Ira Rutledge of Worcester	13. Henry F. Beal of Malden
7. Lelia Beatrice Rogers of Lowell	14. Harry B. Williams of Boston
8. Gershon W. Morrill of Northampton	15. Charles E. Cole, Jr. of Taunton
9. Effie E. Ellsworth of Springfield	16. Blythe L. Keith of Boston

DAVIS and BRYAN ~~~ Democratic

1. William A. Gaston of Boston	8. Edward W. Kane of Cambridge
2. John F. Fitzgerald of Boston	9. John J. Murphy of Somerville
3. Joseph B. Ely of Westfield	10. Charles C. Cox of Boston
4. Anne O'Keefe Hoffman of Worcester	11. Andrew I. Peters of Boston
5. Warren L. Coolidge of Pittsfield	12. James A. Gaffney of Boston
6. Peter F. Sullivan of Boston	13. Arthur Lyman of Brookline
7. Humphrey O'Sullivan of Lowell	14. Charles F. Hurley of Boston
8. Charles J. Fitzgerald of Boston	15. Edward P. Gaffney of Boston
9. Genevieve F. Hickey of Boston	16. Samuel Ridley of New Bedford

FOSTER and GITLOW ~~~ Workers Party

1. George Kreiza of Worcester	8. Anna Lustig of Norwood
2. Michael H. Fingert of Boston	9. Wm. Sadicky of Worcester
3. Robert Zubas of Boston	10. Samuel A. Lavigne of Boston
4. Charles Krabnik of Boston	11. Eva Hoffman of Boston
5. Hyman Levine of Boston	12. Israel I. Horwitz of Boston
6. William Sheridan of Worcester	13. Sarah S. Sullivan of Boston
7. Lena Harris of Boston	14. Emma P. Goldstein of Boston
8. Saul Israel of Worcester	15. C. I. Gonzalo of Dedham
9. Israel F. Mailly, Jr. of Worcester	16. William Sandoval of Cambridge

JOHNS and REYNOLDS ~~~ Socialist Labor Party

1. Henry L. Slobodin of Boston	8. Peter O'Donnell of Medford
2. Samuel Ferguson of Boston	9. Russell I. Hutchinson of Boston
3. Herman Karpeles of Boston	10. James A. Carlquist of Boston
4. Oskar Klausch of Springfield	11. Albert L. Hutchinson of Boston
5. Samuel L. Wheeler of Worcester	12. Morris Becker of Boston
6. Joseph Isaacs of Malden	13. Alex Brody of Waltham
7. John McClintock of Lowell	14. Patrick A. Loftus of Abington
8. Thomas Brennan of Lebanon	15. Allen Johnson of Cohasset
9. John I. Sullivan of Lynn	16. Samuel Hyman of Plymouth

LA FOLLETTE and WHEELER Independent-Progressive

1. Allie Tison Hardwell of Boston	8. Elizabeth B. Say of Cambridge
2. George L. Wyman of Springfield	9. Clarence H. Skinner of Holliston
3. Albert Sprague Coolidge of Weston	10. Vincent A. Hilard of Boston
4. Walter I. Swinerton of Springfield	11. Thomas M. Nelson of Boston
5. Adelbert L. Leeman of Taunton	12. Joseph P. Tynan of Boston
6. Rachel B. Bowman of Worcester	13. Florence N. Hazzard of Boston
7. Harold Wheeler Mitchell of Boston	14. Robert E. S. Tickell of Pittsfield
8. Portland L. Flaherty of Everett	15. George Clark of Boston
9. Richard L. Greene of Lynn	16. Abraham Fless of New Bedford

Voters inserting names must mark a cross X against each one

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To vote for a Person, mark a Cross X in the Square at the right of the Party Name, or Political Designation.

GOVERNOR — Vote for ONE

JOHN J. BALLANTYNE of Boston	WORKERS PARTY
JAMES H. CURLEY of Boston	DEMOCRAT
ALVAN T. FULLER of Wellesley	REPUBLICAN
JAMES HASTY of Boston	SOC. LABOR PARTY
WALTER S. HUTCHINS of Cambridge	SOC. LABOR PARTY

LIEUTENANT GOVERNOR — Vote for ONE

FRANK G. ALLEN of Dedham	REPUBLICAN
JOHN A. CUMMINGS of Boston	DEMOCRATIC
ARTHUR A. FLEMMING of Boston	SOC. LABOR PARTY
THOMAS NICHOLSON of Lawrence	SOC. LABOR PARTY
EDWARD RAND STEVENS of Boston	WORKERS PARTY

SECRETARY — Vote for ONE

FREDERIC W. COOK of Somerville	REPUBLICAN
WINFIELD A. DWYER of Somerville	WORKERS PARTY
SAMUEL LEGER of Boston	SOC. LABOR PARTY
H. OSCAR ROCHELEAU of Worcester	DEMOCRATIC
EDITH WILLIAMS of Brookline	SOC. LABOR PARTY

TREASURER — Vote for ONE

MICHAEL C. FISHER of Attleboro	DEMOCRATIC
PATRICK H. GOSTIN of Jamaica Plain	SOC. LABOR PARTY
LOUIS MARCUS of Boston	SOC. LABOR PARTY
ALBERT SOUVE of Boston	WORKERS PARTY
WILLIAM S. YOUNGMAN of Boston	REPUBLICAN

AUDITOR — Vote for ONE

STRABO Y. CLAGGETT of Boston	DEMOCRAT
ALONZO B. COOK of Boston	REPUBLICAN
ISIDORE HARRIS of Boston	SOC. LABOR PARTY
JAMES J. LYONS of Boston	WORKERS PARTY
DENNIS F. REAGAN of Brookline	SOCIALIST PARTY

ATTORNEY GENERAL — Vote for ONE

JAY R. BENTON of Milton	REPUBLICAN
HARRY J. CANTER of Boston	WORKERS PARTY
FREDERICK GELCHER of Chelsea	SOCIALIST LABOR PARTY
JOHN WEAVER SHERMAN of Boston	SOCIALIST PARTY
JOHN E. SMITH of Worcester	DEMOCRAT

SENATOR IN CONGRESS — Vote for ONE

FREDERICK H. GILLETT of Springfield	REPUBLICAN
ANTOINETTE F. KONIKOW of Springfield	WORKERS PARTY
DAVID I. WALSH of Fitchburg	DEMOCRATIC

To vote for a Person, mark a Cross X in the Square at the right of the Party Name, or Political Designation.

CONGRESSMAN — Vote for ONE

JAMES A. GALLIVAN of Boston	DEMOCRAT
HOWARD A. MORTON of Boston	REPUBLICAN

COUNCILLOR — Vote for ONE

WASHINGTON COX of Hyde Park	REPUBLICAN
OTHO L. SCHOFIELD of Wellesley	DEMOCRAT

SENATOR — Vote for ONE

JOHN F. BLEILEY of Boston	DEMOCRAT
FRANK B. PHINNEY of Boston	REPUBLICAN

REPRESENTATIVES IN GENERAL COURT — Vote for THREE

THOMAS W. GILDAY of Boston	DEMOCRATIC
WILLIAM D. LANCASTER of Boston	REPUBLICAN
FRANCIS X. McCARTHY of Boston	DEMOCRATIC
JAMES EUSTON McGRAIL of Boston	DEMOCRAT
FRANK DANA SEARS of Boston	REPUBLICAN
JOHN J. WALSH of Boston	DEMOCRAT

REGISTER OF PROBATE AND INSOLVENCY — Vote for ONE

FRANK L. BRIER of Boston	REPUBLICAN
ARTHUR W. SULLIVAN of Boston	DEMOCRATIC

COMMISSIONERS TO APPORTION SUFFOLK COUNTY — Vote for ONE

GEORGE W. P. BABB of Boston	REPUBLICAN
PATRICK J. BRADY of Boston	DEMOCRATIC

To vote on the following, mark a Cross X in the Square at the right of Yes or No on each question.

REFERENDUM QUESTION NO. 1—Amendment to Constitution

Have an amendment to the constitution relative to the qualifications of voters and the registration of voters (relating to the method of registration) which was proposed by a constitutional convention held May 14, 1919, and which was agreed to by the General Court in joint session on the fifth day of May, 1920, and which was agreed to by the General Court in joint session on the fifth day of May, 1921, and which was approved by the voters in the elections held May 16, 1922, and May 28, 1923, and which received on a joint session of the two Houses held May 28, 1924, the votes of a majority of all the members elected to the two Houses taken by yeas and nays, been approved?

Yes	
No	

REFERENDUM QUESTION NO. 2—Amendment to Constitution

Have an amendment to the constitution relative to the qualifications of voters and the registration of voters (relating to the method of registration) which was proposed by a constitutional convention held May 14, 1919, and which was agreed to by the General Court in joint session on the fifth day of May, 1920, and which was agreed to by the General Court in joint session on the fifth day of May, 1921, and which was approved by the voters in the elections held May 16, 1922, and May 28, 1923, and which received on a joint session of the two Houses held May 28, 1924, the votes of a majority of all the members elected to the two Houses taken by yeas and nays, been approved?

Yes	
No	

REFERENDUM QUESTION NO. 3

Shall a law be enacted by the people which will provide that no person shall manufacture, transport or expose, offer or keep for sale or expel, distribute or give away any alcohol or cordial to which is added or mixed any substance or thing which renders the same unfit for use as a beverage, but which has not been approved by such bureau of industrial alcohol as may be established by the United States government, and which has not been approved by the Federal Government, or by any department thereof, for use in the arts, trades, industries, or for fuel, or for other than beverage purposes, or for the purpose of manufacturing, selling or keeping for sale any such substance or thing which renders the same unfit for use as a beverage, or to be used by any person for the purpose of manufacturing, selling or keeping for sale any substance or thing which renders the same unfit for use as a beverage, and which has been approved by the Federal Government, or by any department thereof, for use in the arts, trades, industries, or for fuel, or for other than beverage purposes, or for the purpose of manufacturing, selling or keeping for sale any such substance or thing which renders the same unfit for use as a beverage, and which has been approved by such bureau of industrial alcohol as may be established by the United States government

60. Term of the President. — The President-elect is inducted into office on March fourth following his election, and serves until the fourth of March four years later. There is no legal limit to the number of terms he may serve, though in practice no President has been elected oftener than twice.

61. Succession to the Presidency. — The Constitution provides that in case the President is removed by impeachment, death, resignation, or inability, his duties shall devolve upon the Vice-President; and by the Presidential Succession Act of 1886 it is provided that in case of the inability of both the President and Vice-President to perform the duties of the office, the cabinet officers shall succeed in the following order: (1) Secretary of State; (2) Secretary of the Treasury; (3) Secretary of War; (4) Attorney-General; (5) Postmaster-General; (6) Secretary of the Navy; (7) Secretary of the Interior.

62. Compensation of the President. — The President's salary is determined by Congress, but the amount may be neither increased nor diminished during the period for which he is elected. From 1789 until 1873, the beginning of Grant's second term, the salary of the President was $25,000; from the latter date until 1909, $50,000; since 1909 his salary has been $75,000 a year, plus $25,000 or as much thereof as needed for traveling and official entertainment expenses, and the use of the Executive Mansion, commonly called "The White House." [1]

63. Duties and Powers of the President. — In order that the President may perform the various duties which the Constitution, acts of Congress, treaties, and customs place upon him, he has to have corresponding powers. As the head of the executive

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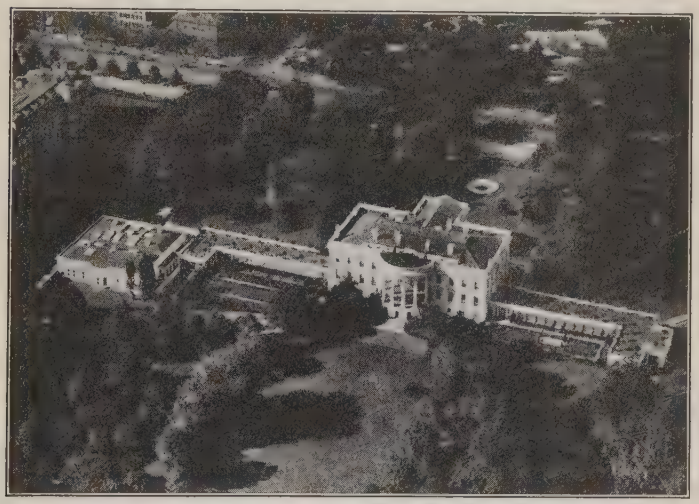
[1] Other appropriations made in connection with the presidential office for 1923–24 were: For Executive Mansion (1) care, repair, furnishing, $75,000; (2) fuel for Mansion, greenhouses, and stables, $12,000; (3) lighting, $8600; (4) grounds, $10,000; (5) greenhouses, $18,000. For Executive Office (1) secretary, clerks, stenographers, etc., $74,280; (2) contingent expenses, $36,000. For the President's protection, an indefinite amount.

A pension is sometimes given the widow of a president. For example, Mrs. Roosevelt has been granted a pension of $5000 a year.

branch of government it is his duty to see that the Constitution, laws and treaties, and decisions of the Federal courts are enforced. To perform this duty he has been given power to appoint and dismiss thousands of officers; command the army and navy; call extra sessions of Congress, recommend proper



Official Photograph, U. S. Army Air Service.

THE WHITE HOUSE SHOWING THE EXECUTIVE OFFICES AT THE LEFT.

legislation, and veto improper bills. The sum total of his powers is much greater than that of many constitutional monarchs.

An aggressive President who becomes party leader or a national hero can greatly increase his powers by a loose construction of the Constitution. During the Civil War Congress permitted Lincoln to become practically a dictator. He issued a proclamation suspending the writ of *habeas corpus*, which Congress subsequently legalized. He also issued the emancipation proclamations of 1862 and 1863, declaring all slaves in the insurgent States to be thenceforth free; and he secured the adoption of the thirteenth amendment in 1865 legalizing the

proclamations. Though the President cannot declare war he can at any time bring on war by ordering the army into foreign territory, or by managing foreign affairs in such a manner that a foreign nation will become the aggressor.

64. Power of Appointment. — The Constitution provides that the President "shall nominate, and by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States whose appointments are not herein otherwise provided for,[1] and which shall be established by law; but the Congress may by law vest the appointment of such inferior officers as they think proper in the President alone, in the courts of law,[2] or in the heads of the departments."

The United States has on its pay-roll three quarters of a million persons. Excluding those in the military and naval service, there remain nearly 550,000 in the executive civil service of the United States. Of these the President unaided appoints very few; the President and the Senate appoint about 16,000 of the most important; about 365,000 are selected by civil service competitive examinations; and the remainder, many of whom are laborers, are appointed directly or indirectly by cabinet officers. But because the cabinet officers are themselves dependent upon the President, he can influence many of these appointments if he desires.

The President alone appoints his private secretary, who in turn appoints his subordinates; and with a few unimportant exceptions, *e.g.*, during the administrations of Johnson and Grant, the Senate has always approved cabinet officers appointed by a President. For special reasons Congress has from time to time provided that certain officers, such as the Librarian of Congress, shall be appointed by the President alone.

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[1] The officers whose appointments are "otherwise provided for" are the President, Vice-President, electors, senators, representatives, and officers of the Senate and House of Representatives.

[2] Courts of law appoint clerks, reporters, and other minor ministerial officers.

The President with the consent of the Senate appoints the most important officers.[1] For the positions to be filled within a congressional district, the President usually confers with the representative from that district if he is of the same party; for the more important, the senators will be consulted. When the Senate receives the names of persons selected for positions, it refers them to the appropriate standing committee; and the committee confers with the senators of the State from which the nominee comes, provided the senators are of the President's party. Under the practice known as "senatorial courtesy" the Senate will ratify only those appointments which are approved by the senators (of the President's party) from the State in which the offices in question are to be filled.

The Civil Service Commission examines for the President or other appointing officials more than 365,000 persons from whom appointments are made according to civil service rules.[2]

Heads of Departments directly or indirectly appoint about 150,000 employees without civil service examinations. The greater number of these are skilled or unskilled laborers.

Term of Officers. — Most of the important officials are appointed for four years.[3] The cabinet officers are appointed to serve during the pleasure of the President, and in practice al-

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[1] This class includes such officers as ambassadors, ministers, and consuls; Federal judges; most military and naval officers; cabinet officers and their immediate subordinates; the Treasurer of the United States; the Comptroller of the Currency; superintendents of mints; commissioners of internal revenue; collectors of customs and internal revenue; interstate commerce commissioners; commissioners of patents; commissioners of pensions; pension agents; Indian agents; district attorneys and marshals; territorial governors; and postmasters of the first, second, and third classes (any postmaster whose salary is $1100 or more). See footnote to Sec. 90.

[2] This class includes most of the clerks in Washington, four classes of postmasters, first and second class post-office clerks, railway mail clerks, letter carriers, rural free-delivery men, and employees in the Indian service, custom houses, revenue service, and the government printing office.

[3] Four years is the term for territorial judges and governors, marshals, district attorneys, customs collectors, pension agents, Indian agents, and chiefs of many bureaus.

ways resign when a new President enters office. The terms of minor officers and laborers vary, and persons who enter the civil service through competitive examinations hold office for an indefinite term.

Power of Removal. — The President may remove without the consent of the Senate any officer whom he appoints alone or in conjunction with the Senate, except judges, who may be removed by impeachment only, and military and naval officers in time of peace, when they may be removed by court-martial only. His power to remove officers may not be restricted by Congress [1] and may be employed for political purposes as well as for ridding the service of incompetent and unfit persons. Those who have entered office through competitive examinations may be removed or reduced for any cause which will promote the efficiency of the service; but like penalties are imposed for like offences, and no political or religious discrimination is shown.

65. Receiving Diplomatic Representatives. — The President receives ambassadors and ministers sent to the United States. Upon an appointed day the Secretary of State escorts a new minister or ambassador to the White House, where the latter delivers a short ceremonial address to which the President responds. The minister or ambassador is then recognized as the official organ of communication between the United States government and the government represented. When the independence of a country is in doubt, or the representative is personally objectionable to the United States government, the President may refuse to receive him; and the President may request a foreign country to recall a representative, or dismiss one for conduct offensive to the government.

66. Treaty Power. — If the United States desires to enter into commercial compacts, define its boundaries, make peace,

[1] The Tenure of Office Act of 1867 required the consent of the Senate for the removal of an officer whose appointment had to be approved by the Senate. This act was aimed at President Johnson and was finally repealed in 1886. Though the Supreme Court has never passed upon this law it is considered to have been unconstitutional.

or enter into any other compacts appropriate for international agreements, the President, with the assistance of the State Department, may negotiate a treaty with the other state or states concerned. Because a treaty becomes law, the Constitution provides that a vote of two thirds of the Senate present is necessary before the treaty may be signed by the representatives of the United States government. [1]

67. Military Powers of the President. — As the Constitution makes the President commander-in-chief of the army and navy, he has complete control over their movements. For instance, when Mr. Roosevelt was President, he sent the navy around the world in order that the men might gain experience and that other nations might be impressed with its strength. Some congressmen objected to the cost and threatened to withhold the necessary appropriation. Mr. Roosevelt is said to have replied: "Very well, the existing appropriation will carry the navy halfway around the world and if Congress chooses to leave it on the other side, all right." President Polk brought on the Mexican War by ordering the troops across the Nueces River, and President Wilson narrowly averted another war with Mexico in 1914 when he sent the navy to Vera Cruz.

The President directs campaigns and could take personal command of the army or navy if he wished. So long as he acts within the rules of international law he may do anything to weaken the power of the enemy. For instance, he may order the confiscation of property used by the enemy for warlike purposes. In the exercise of this power President Lincoln issued

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[1] As a treaty is merely a law, Congress may repeal it by passing a law contrary to its provisions; or an existing law may be repealed by the terms of a treaty. In other words, when a treaty and a law of Congress conflict, a court will consider the one last enacted to be the law. A treaty which is contrary to the Constitution is void, but the courts have, as yet, never declared one to be contrary to the Constitution.

Money cannot be appropriated by a treaty, but in practice whenever the Senate has agreed to a treaty providing for the payment of money, the House has concurred on a bill appropriating it.

the Emancipation Proclamation during the Civil War, freeing the slaves in certain Southern States.

Whenever the enforcement of Federal laws is prevented by combinations too strong to be suppressed by the courts with their marshals, the President may send United States regular troops to protect the mails and interstate commerce, as Cleveland did in 1894 during the Pullman strike at Chicago; or he may call out State militia, as Lincoln did in 1861. When the army occupies the enemy's territory, the President, as commander-in-chief, may assume control of the enemy government, as Lincoln

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THE PRESIDENT REVIEWING THE WEST POINT CADETS.

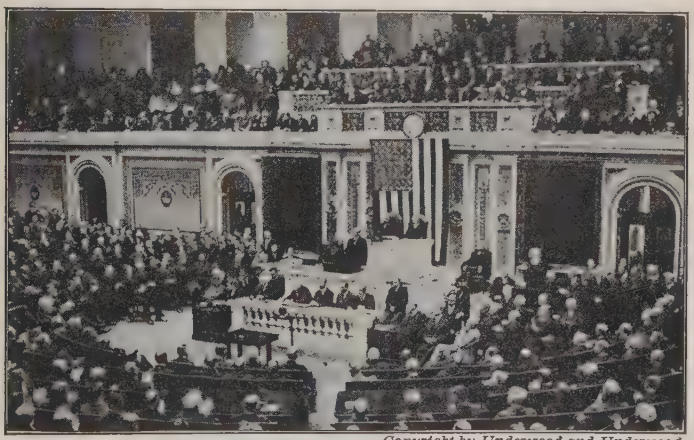
did in certain Southern States during the Civil War, or as McKinley did in Porto Rico and the Philippines during the Spanish-American War.

In case of domestic violence, the legislature of a State, or the governor, if the legislature is not in session, may request the President to send regular troops into the State to restore order.

68. President's Part in Legislation. — The President is primarily an executive officer, but the Constitution bestows upon him many powers which enable him to influence legislation.

Presidential Messages. — When Congress meets in December, the President sends his annual message to Congress, and from

time to time during the term he sends special messages. In these messages he recommends the enactment of certain laws. They may be laws which the party platform pledged to enact, laws recommended by heads of the departments of administration, or possibly a personal hobby. Most presidents have had their messages read in each house by a clerk, but Wilson and Harding read their messages to the two houses assembled in one of the chambers. Different parts of the messages are referred to appropriate committees. Full reports from the heads



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PRESIDENT COOLIDGE ADDRESSING CONGRESS IN JOINT SESSION.

of departments usually accompany the annual message. The consideration of the recommendations depends upon the influence of the President. They are at least valuable to form public opinion, because the daily papers publish the messages and comment freely upon them.

Extraordinary Sessions. — A President may call an extra session of Congress whenever he deems it proper. In 1921 President Harding called an extra session. When it convened he appeared in person before the houses meeting in joint session, and urged tariff and tax revision. The session continued from

April 11 until November 23. During this time Congress revised the tax laws, passed a budget law, and debated the tariff at some length. Congress then adjourned for a short vacation before the regular session convened the first Monday in December.

Issue of Ordinances. — When the President must execute a law which does not specify means for its enforcement, it is necessary for him to issue an ordinance prescribing uniform means for its enforcement. Inasmuch as the Constitution makes the President commander-in-chief of the army and navy he may issue ordinances for their regulation. Congress frequently authorizes the President to issue ordinances for specific purposes. For instance, Congress has authorized the President to govern the Panama Canal Zone, and in so doing he has the power to issue legislative ordinances.[1]

The Veto. — Every bill or joint resolution [2] passed by Congress must be presented to the President for his signature. If he signs, it becomes a law; if he disapproves, he must return the bill to the house in which it originated, giving his reason for his

[1] The following proclamation issued by President Taft, as governor of the Canal Zone, is an example of ordinances issued by the President:

"I, William Howard Taft, President of the United States of America, by virtue of the power and authority vested in me by the Act of Congress, approved August 24, 1912, to provide for the opening, maintenance, protection, and operation of the Panama Canal and the sanitation and government of the Canal Zone, do hereby prescribe and proclaim the following rates of toll to be paid by vessels using the Panama Canal:

1. On merchant vessels carrying passengers or cargo, one dollar and twenty cents ($1.20) per net vessel ton — each one hundred (100) cubic feet of actual earning capacity.

2. On vessels in ballast without passengers or cargo, forty (40) per cent less than the rate of tolls for vessels with passengers or cargo.

3. Upon naval vessels other than transports, colliers, hospital ships, and supply ships, one dollar and twenty cents ($1.20) per net ton, the vessels to be measured by the same rules as are employed in determining the net tonnage of merchant vessels.

The Secretary of War will prepare and prescribe such rules for the measurement of vessels and such regulations as may be necessary and proper to carry this proclamation into full force and effect."

[2] Joint resolutions proposing amendments to the Constitution are not sent to the President. This is the only exception.

refusal to sign. The house may then reconsider it, and if the bill passes both houses by a two-thirds vote, as did the Bonus Bill of 1924, it becomes a law over the President's veto. If the President fails to return a measure within ten days, Sundays excepted, after it is presented to him, it becomes a law without his signature, unless Congress prevents its return by adjourning, in which case it does not become a law. When Congress adjourns before the ten-day period has expired, the President may suppress quietly the bills to which he entertains objection by merely allowing them to remain on his table — die in his pocket, as it were. This is known as the "pocket veto."

This veto power enables the President, who is the only representative of *all* the people, to act as a check upon the legislative branch. Unfortunately the President must sign or veto a bill in its entirety. If he could veto certain items in appropriation bills, as the governors of many States may do, a bold President could save much revenue by preventing appropriations for such purposes as dredging rivers where there is little navigation or building post offices where government buildings are not needed.

Inasmuch as the President can introduce a bill into Congress only through some congressman, he seldom prepares one; but as party leader he coöperates with any committee of Congress that is preparing an important bill. For instance, when the Currency Bill was being prepared during the summer of 1913, Congressman Glass, Chairman of the Banking and Currency Committee, was continually conferring with President Wilson, and relying upon his influence as party leader to secure the passage of the measure.

Extra-Legal Methods. — There are many indirect methods by which a President can persuade congressmen to support his measures, although he has no part directly in legislation. Roosevelt threatened to "take the stump" against congressmen who would not support his measures, and Lincoln allowed a congressman to name the appointee to a $20,000 position in the

Custom House of New York in consideration of a vote which was necessary to admit Nevada into the Union, for without Nevada's vote Amendment XIII to the Constitution of the United States could not have been ratified.

In 1923 Congress appropriated $56,000,000 for river and harbor improvements, — more than the President and budget bureau had proposed. The Secretary of War announced the projects upon which $40,000,000 of this appropriation would be expended. It was believed that the President directed the Secretary of War to save the $16,000,000 merely by abstaining from the expenditure of this portion of the amount authorized.

69. Pardoning Power. — The pardoning power of the President is absolute for all offences against the United States, except in cases of impeachment, where a pardon may never be granted. Of course he cannot pardon offences against State laws; but for crimes committed in territories or the District of Columbia, or offences against Federal laws such as the postal, revenue, or banking laws, the accused may be pardoned either before or after conviction.

If an individual is involved, a pardon is seldom granted before conviction. But in 1889 President Harrison issued a proclamation known as *amnesty*, which pardoned the Mormons who had violated the anti-polygamy laws applying to the territories of the United States. The President may pardon conditionally provided the condition is reasonable, or he may *commute* a sentence by decreasing the penalty. He may reduce a fine or remit it entirely. By a law of 1910 a board of parole was created at each of the three Federal prisons.[1] This board hears applications for release on parole and makes recommendations to the Attorney-General, who grants or refuses the parole.

70. Independence of the President. — The President, as head of one of the three branches of government, must have a degree of independence of the other two branches, else he would not

[1] At Leavenworth, Kan., Atlanta, Ga., and McNeil Island, Wash.

remain a check upon them. So long as the President is in office — and he may be removed only by impeachment — he may not be arrested. But as soon as he is out of office he may be punished for any crime committed by him while in office. The courts can neither restrain him nor compel him to perform any act. When Aaron Burr was being tried for treason Chief Justice Marshall issued a subpœna requiring President Jefferson to produce a certain paper relating to Burr's acts. Jefferson refused to obey. He reasoned that the duties of a President could not be performed if he could be compelled to obey court writs.

II. The Vice-President

71. The Vice-President is elected by the same electors and in the same manner as the President, except that when no Vice-Presidential candidate receives a majority of the electoral votes the Vice-President is chosen by the Senate from the two candidates receiving the highest number of electoral votes.

The qualifications for the Vice-President are the same as for the President. His salary is $15,000 and his only legal duty, unless he succeeds to the presidency, is to preside over the Senate. As he is not a member of the Senate, does not appoint committees, and has no vote except in case of a tie, he has little influence. President Harding had the Vice-President attend Cabinet meetings, but Mr. Dawes does not attend.

A candidate for the Vice-Presidency is not always nominated because of his fitness to become President. He may be nominated to help carry a doubtful State, to appease a defeated faction in the national nominating convention, or to replenish the party treasury.

III. The Cabinet

72. In order that the President may have assistants in executing the laws, Congress has authorized him to appoint ten chiefs.[1] Washington was authorized to appoint only three: a

[1] The statutes creating these offices provide for the assent of the Senate, but in practice the Senate seldom interferes with the President's choice.

Secretary of State, a Secretary of the Treasury, and a Secretary of War.[1] As governmental duties increased, however, the work of administration was further divided and new secretaries were added. There are now ten chief assistants

Name of Office	Office Created in
1. The Secretary of State	1789
2. The Secretary of the Treasury	1789
3. The Secretary of War	1789
4. The Attorney-General	1789
5. The Postmaster-General	1794
6. The Secretary of the Navy	1798
7. The Secretary of the Interior	1849
8. The Secretary of Agriculture	1889
9. The Secretary of Commerce	1903
10. The Secretary of Labor	1913

These ten secretaries are appointed by the President for indefinite terms, and as he alone is responsible for the official action of any secretary he may dismiss him at any time. A new President always selects some new Cabinet officers, and a President of a different party from his predecessor selects an entirely new Cabinet. The Cabinet meets twice a week, or as often as the President desires, in the executive offices, which adjoin the White House. The meetings are secret and only the weightier matters are discussed, as the President meets the chiefs of each executive department alone to discuss the less important affairs.

There is no provision for the Cabinet either in the Constitution or in the Statutes of Congress. The Constitution says, "The President may require the opinion in writing of the principal officers in each of the executive departments upon any subject relating to the duties of their respective offices." (Art. II, Sec. 2.) At first Washington requested written opinions, but by

[1] The Attorney-General was also considered a member of Washington's Cabinet, but he was not the head of a department until 1870, when the Department of Justice was created.

his second term he held secret meetings, which were called "cabinet meetings."

It is the President's privilege to invite persons other than departmental heads to attend the cabinet meetings, but he does not do so; and he is not compelled to take the advice of the Cabinet contrary to his own judgment. This is illustrated by an

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PRESIDENT COOLIDGE AND HIS CABINET.

incident told of President Lincoln. He brought before his Cabinet a proposition which he favored, but every member of his cabinet voted against it. He announced the vote, "Seven nays, one aye; the ayes have it."

OUTLINE FOR REVIEW

The Executive Department

I. PRESIDENT.

(A) Qualifications:

(1) Natural born citizen of the United States.
(2) Thirty-five years of age.
(3) Fourteen years a resident of the United States.

(B) Elected:
(1) By Electoral College, or
(2) By the House of Representatives.

(C) Oath:
Taken when inaugurated.

(D) Term:
Four years.

(E) Vacancy:
(1) Filled by Vice-President, or
(2) By Cabinet Officer, according to law of Presidential succession.

(F) Salary:
$75,000 plus traveling expenses, house rent, etc.

(G) Powers and Duties:
(1) Executes the laws of the nation.
(2) Appoints ministers, consuls, judges, postmasters, and other officers.
(3) May remove officers and fill vacancies.
(4) Receives foreign ministers.
(5) May make treaties with consent of two thirds of Senate.
(6) Commander-in-Chief of the army and navy.
(7) Delivers a message to Congress each December and at other times.
(8) May call special session of Congress or of either House.
(9) Signs or vetoes bills passed by Congress.
(10) May grant reprieves and pardons.

(H) Removal:
(1) May be impeached by majority of House.
(2) May be tried and convicted by two thirds of Senate.

II. Vice-President.

(A) Qualifications:
The same as required for the President.

(B) Elected:
(1) By the Electoral College, or
(2) By the Senate.

(C) Term:
Four years.

(D) Vacancy
Not filled until next presidential election.

(E) Salary:	$15,000.
(F) Duty:	Presides over Senate and votes only in case of tie. Becomes President if President dies or is in any way disqualified.

III. Ten Cabinet Members (non-official).

(A) Qualifications:	None prescribed.
(B) Appointed:	By President.
(C) Term:	Indefinite.
(D) Salary:	$15,000.
(E) Duty:	To advise President and administer their respective departments according to the will of the President.

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Questions on the Text

1. What are the qualifications for the presidency?
2. Explain in detail how a President is elected.
3. For what term is a President chosen? May he succeed himself?
4. Who succeeds to the presidency in case the President does not complete his term?
5. What is the annual salary of the President?
6. What are the powers of the President?
7. What officers are appointed by the President alone? President and Senate? President and Civil Service Commission?
8. How are other officers chosen?
9. For what term are the various officers chosen?
10. What officers may be removed by the President?

11. Who appoints diplomatic officers? Who receives those from foreign countries?

12. Who makes treaties? If a treaty and law of Congress conflict which will the courts enforce?

13. What powers has the President as commander-in-chief of the army and navy?

14. Explain the President's power over legislation by means of (1) messages, (2) extraordinary sessions, (3) the issuance of ordinances, (4) the veto, and (5) extra-legal methods.

15. What persons may be pardoned by the President? May he pardon such persons conditionally? May he return a fine? May he commute a sentence? What is meant by *amnesty?*

16. Can a court compel the President to perform a duty? Can he be punished after he is out of office for a crime committed while in office?

17. How is the Vice-President chosen? Term? Qualifications? Salary? Duties?

18. How many members are there in the President's cabinet? Name as many as you can. For what term are they appointed? Salary? Need the President accept their advice?

Questions for Discussion

1. What Article of the Constitution treats of the President?

2. Explain how Mr. Harrison was elected President in 1888 although Mr. Cleveland received more popular votes.

3. The indirect method of electing the President of the United States is no longer of value. Discuss a better method.

4. The Southern Confederacy provided that its president should hold office for six years and not be eligible for re-election. Give reasons why you favor or oppose a like term for the President of the United States. How could this change be made?

5. President Taft traveled 125,000 miles during his four-year term. How much per mile was he allowed by the government?

6. What Federal officers or employees reside or have duties in your city or county? How are they appointed?

7. Why is it proper for the President to be left practically unrestricted in selecting and dismissing the members of his Cabinet?

8. The veto power has, in times past, been considered an instrument of kingship, but no king or queen of England has dared to use it for two centuries. Yet, Andrew Jackson, the "Father of Democracy," was the President who used this power most extensively. Explain why this apparent inconsistency is really not inconsistent.

9. The President of France may veto a bill and state his reasons, but a bare majority of the House of Deputies and the Senate may override it. Do you prefer the French or the American veto?

10. The President has absolute pardoning power for all offences committed against the United States, except in cases of impeachment. Under what circumstances do you think this power should be used?

11. Why is the vice-presidential office one of the worst features of our government?

12. Who are the members of the present cabinet?

13. Congress provided for the building of a government railroad in Alaska. The President was authorized to select the route, determine other details, and have the road built. What other similar undertaking was successfully carried out by the President?

14. In 1921 there were provisions in the Army Appropriation Bill prohibiting the President from using any of the army appropriation money to maintain troops in China, or more than 500 in Europe, or more than 5000 in the Panama Canal Zone, or more than 5000 in Hawaii. This provision was finally eliminated from the bill. If it had remained, should the President have vetoed it? What constitutional question is involved?

15. Would a State with a large population or one with a small population gain influence by the popular direct election of the President? Would you vote *for* or *against* it if you lived in Nevada? In New York?

16. Would the popular direct election of the President be an incentive for honest or dishonest elections in a one-party State such as Pennsylvania or South Carolina? In the direct election every vote would count. Would it be to the advantage of city or country?

CHAPTER IX

THE DEPARTMENT OF STATE

73. The Secretary of State [1] ranks first among the Cabinet officers. At cabinet meetings he sits at the right of the President, and on all ceremonial occasions he is given precedence over his colleagues. In case of death or removal of both the President and Vice-President the Secretary of State is the first in line for the presidency.

Some presidents intrust foreign affairs largely to the Secretary of State, while others take foreign affairs into their own hands. Secretary Hay used to tell his friends that often President McKinley did not send for him once a month on business, but that he saw President Roosevelt every day. Under Mr. Roosevelt the Secretary still conducted the negotiations, but the origination and decision of policy rested more and more with the President. President Wilson seems to have followed the Roosevelt practice while President Harding very largely intrusted foreign affairs to Secretary Hughes.

The duties of the Secretary of State are partly connected with domestic affairs, but to a much greater extent with foreign affairs.

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[1] The Secretary of State appoints an Under-secretary of State who is charged with the general direction of the work of the department and acts for the Secretary of State in his absence. The President appoints a first assistant, a second assistant, a third assistant, and a fourth assistant secretary of state. The Secretary of State assigns to these assistants the supervision of the various bureaus and divisions according to the character, attainment, and experience of the occupants of these offices. For example, Mr. Adee, second assistant from 1886 until his death in 1924, was consulted by the officers of the department upon matters of diplomatic procedure and general questions of international law and policy, particularly when involving the traditional practice of the Department of State.

Domestic Duties of the Secretary. — The Secretary attends to all correspondence between the President and the governors of the several States. Thus, if the President calls for a State's national guard for war, or if a governor requests the extradition [1] of a criminal who has taken refuge in a foreign country, the correspondence takes place through the Secretary of State.

When a State ratifies an amendment to the Constitution of the United States the Secretary of State is notified, and when three fourths of the States notify him he must certify that the amendment has been adopted. Also, when Congress admits a new State into the Union the Secretary of State issues a proclamation declaring the fact. He is custodian of the original copies of treaties and all laws enacted by Congress.

The Secretary of State also has charge of the Great Seal of the United States, which he affixes to all executive proclamations, to various commissions, such as civil appointments made by the President, and to warrants for the extradition of fugitives from justice.

Foreign Duties of the Secretary. — The Secretary of State is at the head of the Foreign Service of the United States, which includes the diplomatic and consular services. All diplomatic and consular officials below the rank of minister are combined into a single interchangeable corps of nine classes.[2] These officials are appointed after examination and a period of probation; are promoted from a lower to a higher class on merit; and finally

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[1] Extradition means the handing over by one State to another of fugitives from justice. The United States has extradition treaties with the leading nations of the world. When a person accused of crime flees from an American State to a foreign country the governor of the State applies to the Secretary of State for the return of the fugitive, furnishing evidence of probable guilt. The governor also names a person who will go for the fugitive. The proper papers are sent to our diplomatic representative, and he is instructed to request the extradition of the fugitive. The "President's Warrant" is given the agent whom the governor has designated to bring back the accused. Frequently an application is made by telegraph for the provisional arrest and detention of the fugitive in advance of the presentation of formal proof.

[2] An Ambassador appoints his own private secretary and may dismiss him.

retire with a pension to which they have contributed 5% of their salaries.

74. Diplomatic Service. — Diplomatic correspondence with foreign governments is carried on by the Secretary of State through diplomatic representatives. We send these representa-

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STATE AND WAR BUILDING.

tives to the governments of nearly all independent states, and most of these governments have diplomatic representatives at Washington. We send ambassadors to the important countries, ministers-plenipotentiary [1] to most countries, ministers-resident to several, and commissioners for special purposes. In

[1] The official title of the minister-plenipotentiary is "envoy extraordinary and minister-plenipotentiary."

the absence of the permanent diplomatic representative the counselor or some other person takes charge temporarily and is known as the *chargé d'affaires ad interim.*

Ambassadors, appointed by the President with the consent of the Senate, are sent to Great Britain, Belgium, France, Spain, Italy, Germany, Japan, Argentina, Brazil, Chile, Peru, Mexico, Cuba, and Turkey.[1] The term of office is not prescribed by law, hence there are numerous changes whenever a

UNITED STATES EMBASSY AT RIO DE JANEIRO.

The Ambassador lives, entertains, and transacts official business in this new type of government building.

new party comes into power. There are no prescribed qualifications, but the ruler to whom the ambassador is accredited may refuse to receive in a diplomatic way any person who is for any reason objectionable (*persona non grata*). Any country may demand the recall of an ambassador who has made him-

[1] One would hardly expect to find an ambassador in Turkey, but at Constantinople a minister sometimes had to wait hours or even until the next day for an important affair, while ambassadors from much less important countries were given an audience at once. Only ambassadors were allowed access to the Sultan to discuss official matters. Thus Congress, in 1906, felt obliged to send an ambassador to Turkey.

self obnoxious to its government, and in extreme cases may dismiss him.

The duties of an ambassador are to (1) transmit official communications; (2) give information to foreigners concerning American institutions, laws, and customs; (3) keep his government advised of the progress of events in the country where he lives; (4) protect American citizens; (5) negotiate treaties and other agreements if requested to do so by the President; and (6) promote American interests in every way.

UNITED STATES LEGATION AT PEKING.
Guard of Honor preceding the Minister to the President's Palace.

To perform these duties efficiently the ambassador must be on terms of friendly intimacy with leading men in the country to which he is sent. Newspaper editors may be most useful acquaintances because the ambassador can both learn from them and impress upon them the good intentions of our government, and so reach the public through the press. The salary is $17,500, and as the social affairs of the official set at a European capital call for heavy expenditures few ambassadors can live upon their salaries. It is said that a recent ambassador, in maintaining the American embassy at London, spent $250,000 a year.

Ambassadors, and their families and servants to a great extent, are exempt from arrest and from taxation of personal belongings. Within their embassies (official residences) they may do anything not prohibited by the laws of the nation which has sent them. Of course noises, or anything which proves a nuisance outside of the embassy, are not permitted. These privileges are associated with a legal fiction known as *exterritoriality*, which term means that the ambassador has, as it were, carried a portion of the territory of his home country with its laws to the foreign country.

Ministers are sent to the governments of all independent countries of any importance except to those to which ambassadors are sent. Everything that has been said concerning ambassadors applies to ministers except the honor or rank, salary, and the name of their residences. The salaries of ministers range from $10,000 to $12,000 and their official residences are called " legations."

Assistants. — At each of the embassies or legations there are secretaries or counsellors, or both; and at some there are commercial, military, and naval attachés, and in China and Japan there are student interpreters. The military and naval attachés are commissioned officers from the army and navy. As an example of an attaché's duties, the military attaché in China has been extended the courtesy of observing a battle; he has been sent out to the Thibetan border with Chinese guards by a slow caravan journey to investigate conditions in the interior; in time of disturbance he has been sent through the Gobi Desert by auto caravan with a few American guards to Urga where three American citizens were reported to be in trouble; and he has been sent to the coast to escort the new minister to Peking.

75. Consular Service. — In addition to diplomatic agents, the President, with the consent of the Senate, appoints several hundred consuls from those who have passed civil service examinations. They are commercial agents, or " America's lookouts on the watch-towers of international trade," and one is stationed

at every important commercial city. One is sent even to the inaccessible town of Chung King, far back in the interior of China, six weeks' travel by river from Shanghai.

Consular Duties. — Consuls perform a great variety of duties among which the following are outstanding:

(1) Promote American trade and commerce by spying out new promised lands of commercial opportunity. They answer inquiries addressed to them by American exporters and importers, and send reports regarding foreign markets for American products to the State Department.[1] This information includes the special demands of local markets due to prevailing customs or prejudices or to unusual shortage of crops; includes changes in foreign laws bearing on commerce, such as customs regulations, patent laws, and food laws; and includes foreign methods of doing business.

(2) Enforce custom regulations. They prevent foreign shippers from undervaluing their goods to avoid customs duties and prevent individuals from smuggling valuable goods to this country.

(3) Assist in excluding prohibited classes of immigrants. (See Sec. 110.) Before a vessel sails, an American consul receives a list and description of immigrants on board, satisfies himself as to its accuracy, and sends these records to the immigration inspector at the port of arrival. He also inspects the sanitary and health condition of the vessel and passengers and issues the vessel a bill of health. In 1924 consuls were first permitted to pass upon the qualifications of immigrants when visaing their passports, but subject to further checks when landing in America. In 1925 immigration attachés were stationed in the British consulates, and their examinations permit even immigrants coming third class to enter New York without passing through Ellis Island.

[1] The weekly Commerce Report is published by the Bureau of Foreign and Domestic Commerce for American producers who subscribe for it. Items like the following are published in it:

No. 16363. Agency wanted for spark plugs for airplanes. Madrid. (Names are not published because foreign competitors might use them.)

(4) Assist wrecked or stranded vessels and are authorized to send shipwrecked American seamen back to the United States. They may also send mutineers back to the United States for trial.

(5) Assist American citizens by protecting them in all privileges provided by treaty or conceded by usage. They visé (approve) and, when authorized, issue passports. When permitted by a treaty, law, or usage, they settle personal estates of Americans who may die abroad without legal or other representatives.

(6) Assist Americans in legal transactions. They administer oaths, take depositions, and act as witnesses to marriages.

Consular Jurisdiction. — The consul has some jurisdiction over whatever relates to the internal economy of American vessels. He settles disputes among masters, officers, and men.

In several backward countries the consuls have jurisdiction over American citizens. For instance, in China American consuls have jurisdiction over American citizens in both civil and criminal cases by virtue of treaty arrangements. They also hear civil cases between an American and a Chinese when the American is the defendant, and they try Americans who are accused of criminal offences against Chinese.

Consuls' Compensation. — While on probation consular officials are unclassified and receive from $1500 to $3000 a year. Subsequently, as one advances through the various classes from secretary to consul-general, the salary varies from $3000 to $9000 a year. They are not entitled to the immunities of diplomatic representatives, but most countries by treaty exempt them from arrest in civil cases and guarantee the protection of their archives. A consulate of the United States in a weak state is a fairly safe place in times of disturbances, and an embassy or legation is almost invariably a place of safety.

Passports. — A passport is a certificate used to identify a citizen of one state when travelling or residing in another country, in order that the citizen may enjoy all the privileges that international law, treaties, or the prestige of his native state can

insure. The Division of Passport Control regulates the issuance of passports, and determines questions relating to the citizenship of Americans in foreign countries.

An American citizen who desires to travel abroad may make a written application [1] to the Secretary of State for a passport. The application contains a detailed description of the person and information as to his age, residence, and occupation. It must be signed by the person applying, and an affidavit must be attested by a clerk of a Federal court or of a State court if there is no Federal court within the district of the State court. It must also be accompanied by a certificate from a creditable witness that the applicant is the person he represents himself to be, and by a fee of nine dollars. The passport is authenticated by the Great Seal of the United States and is valid for one year, but may be renewed for another year. An application for a renewal should be made to the nearest diplomatic or consular office.

A passport for most countries must be viséd (approved) by a consul of the country to be visited, for which a fee is usually charged.

The Emergency Fund for this department, which is about $400,000 a year, is the only fund in the administration of which no original accounts or vouchers to the Treasury Department are required. The Secretary of State gives a certificate of such expenditure. This fund enables the President and Secretary of State to meet unforseen emergencies in the diplomatic and consular services, to enforce our neutrality laws, and to keep a watch on other countries through secret agents.

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[1] A blank form may be obtained from the Secretary of State or from the clerk of a Federal court.

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Questions on the Text

1. Who is considered the most important cabinet officer?
2. What are the domestic duties of the Secretary of State? The foreign duties?
3. What are the duties of ambassadors and ministers? What special privileges do they enjoy?
4. What is meant by *exterritoriality?*
5. How do ambassadors differ from ministers?
6. What is a *chargé d'affaires* (pronounced shär-zhā′ dăf-fâr′)?
7. What are consuls, and how does the consular service differ from the diplomatic service?
8. Name six important duties of consuls.
9. What is meant by consular jurisdiction?
10. What salaries are paid to ambassadors? Ministers? Consuls?
11. How is a passport obtained and what is its value? Is it of equal value in all countries and at all times?
12. What is the *emergency fund?* How does it differ from all other funds?

Questions for Discussion

1. Explain the following simile: "The State Department may be likened to an artificial person, whose head is in Washington and whose body lies abroad."
2. In Japan the United States had consular jurisdiction until 1899, when it was abolished by treaty. Why do you suppose it was abolished?
3. A mediæval ambassador has been defined as "a person sent to lie abroad for the good of his country." Washington thus instructed John Jay, special minister to Great Britain, in 1794: "It is the President's wish that the characteristics of an American minister should be marked on the one hand by a firmness against improper compliances, and on the other hand by sincerity, candor, truth, and prudence, and by a horror of finesse and chicane." This standard set by Washington has almost invariably been followed by the United States. Aside from moral right and wrong, which policy is the wiser, the mediæval policy of deception or the modern policy of sincerity?
4. In 1892 an attaché of the Swiss Legation at Washington was suspected of theft and arrested at Bay Shore Park, Maryland. When

examined at Annapolis he was discharged. The Swiss government asked for the punishment of the officer making the arrest. The State Department requested the Governor of Maryland to investigate. The police officer was dismissed and an apology tendered by the Governor. A diplomatic officer cannot be arrested for exceeding the speed limit in an automobile, but he can be warned, and if he habitually violates the law in this respect complaint may be made to his government. Why is this courtesy to foreign countries necessary?

5. The position of American Ambassador to Great Britain with a salary of $17,500 a year "went begging" for some months in 1913. What was the cause of this condition?

6. Should we have a United States academy for training diplomats as well as academies for training army and navy officers? Our diplomatic agents are not so well trained in foreign languages and international law as those of other countries. The diplomatic service would then be taken out of politics, as are the army and navy. Is it not as important to train men to prevent war as to train men to make war?

7. Governments sometimes borrow, load their people down with debt, dissipate the money, and then vanish from the scene, leaving the succeeding administrations heavy burdens which entail excessive taxation. For this reason our State Department reviews foreign loans in advance of their consummation by American bankers. Why do bankers usually abide by the advice of the State Department?

8. The World Court consists of eleven judges and four deputy-judges elected by the League of Nations. They are chosen for terms of nine years, and sit at The Hague. By special agreement some countries have arranged to refer to the Court all of their disputes with one another; some have decided to submit certain disputes with one another; some have consented to submit certain legal disputes with any country; but none of the great powers has agreed to submit all disputes. The Court also gives advisory opinions upon request of the League of Nations. These are not binding but they are usually accepted.

The United States has agreed to join the World Court on the following conditions: (1) that membership does not involve us in legal relationship to the League; (2) that we shall take part in electing the judges; (3) that we pay our share of the expenses; (4) that the statute creating the Court shall not be amended without our consent; (5) that we shall not be bound by advisory opinions unless we have joined in the request; (6) that we shall not become a member until each member of the Court accepts these reservations; (7) that we may withdraw from the Court at any time; and (8) that we shall submit only such disputes as we wish. Would you favor joining the Court without reservations?

CHAPTER X

THE TREASURY DEPARTMENT[1]

76. The Secretary of the Treasury supervises the collection, safe-keeping, and disbursement of all moneys of the United States government, and maintains the stability of its monetary system. In doing this he is aided by several assistant secretaries and numerous bureau chiefs who have immediate charge of the several bureaus and divisions of the departments.

77. The Collection of the Revenues. — For the fiscal year ending June 30, 1926, the receipts of the United States were from the following sources:

Income and profits tax	$1,982,040,089
Other internal revenue (*e.g.*, tobacco, inheritance, and amusement taxes)	855,599,289
Customs	579,430,093
Principal and interest on government-owned foreign securities	194,237,957
Proceeds from other government-owned securities	71,303,706
Panama Canal tolls, etc.	24,648,569
Miscellaneous (*e.g.*, District of Columbia and trust fund receipts)	255,495,987
Total ordinary receipts (Exclusive of postal receipts)	$3,962,755,690

Previous to the World War the total receipts of the United States government were about one billion dollars.

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[1] One would hardly expect to find the three following services in this department: (1) The United States Public Health Service has charge of marine hospitals, controls the national quarantine service, and supervises the medical examination of immigrants. (2) The Coast Guard Service maintains several hundred stations at dangerous points on the coasts of the oceans and Great Lakes, etc. (see page 153, note 1). (3) A supervising architect has charge of the selection of sites and the construction and maintenance of buildings belonging to the United States.

The total debt of the United States government before the World War was about one billion dollars. It is now about twenty billions. However, foreign governments who were our allies during the war owe us twelve billions.[1]

UNITED STATES TREASURY.

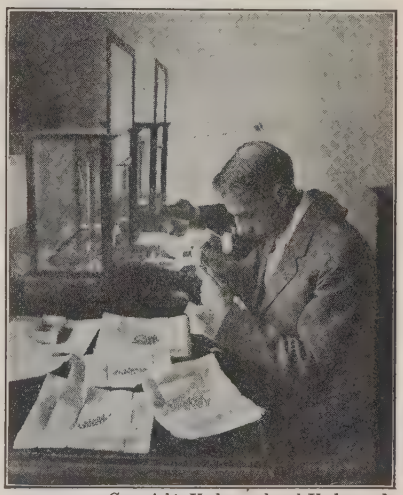
Internal Revenue is derived from the sources indicated on page 149, *e.g.*, on the manufacture of tobacco, cigarettes, and playing cards. In times of peace excessive taxation must

[1] Obligations of foreign governments held by the United States in 1925:

Armenia	$ 14,959,480	Italy	$ 2,138,543,853
Austria	30,550,750	Latvia	6,352,139
Belgium	417,780,000	Liberia	32,769
Czechoslovakia	117,679,096	Lithuania	6,030,000
Esthonia	17,794,020	Nicaragua	110,590
Finland	8,910,000	Poland	178,560,000
France	4,210,556,948	Rumania	46,508,661
Great Britain	4,554,000,000	Russia	255,147,692
Greece	17,625,000	Yugoslavia	65,414,998
Hungary	1,958,413	Total	$12,088,514,409

be avoided, because if taxes are high enough to injure industry they will kill the goose that lays the golden eggs. The internal revenue commissioner and his deputies collect these taxes through collectors of internal revenue in charge of the various districts into which the country is divided. So far as feasible, these taxes are collected by means of stamps which are pasted upon packages in such a way that the stamp will be broken when the package is opened.

There are enough dishonest taxpayers to necessitate an extensive secret service department, because even great manufacturers have been guilty of counterfeiting revenue stamps. It was once a duty of this secret service department to safeguard the revenues by capturing "moonshiners." It is now its duty, not only to prevent "moonshining," but to prevent any manufacture of intoxicating liquors for beverage purposes because this department, in conjunction with the Department of Justice, has been assigned the duty of enforcing the prohibition law.



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UNITED STATES CUSTOMS OFFICER EXAMINING DIAMONDS FOR APPRAISEMENT.

Customs are taxes (tariff) on imported goods. These taxes are collected by the Secretary of the Treasury through one of his assistant secretaries. The country is divided into forty-eight customs districts. In each one of these districts there is a collector who is assisted by a surveyor, appraiser, examiners, inspectors, store-keepers, and clerks.

All articles brought into the country must enter at specified points where there are custom-houses. At the principal point in each district the collector resides; at subordinate places a deputy collector. Along the two oceans and the Canadian and Mexican borders are numerous "ports of entry"; and numerous interior cities, such as Chicago and St. Louis, are "ports of entry." [1]

By Ewing Galloway, N. Y.

A Customs Examiner, New York.

The examiner is searching baggage for dutiable goods.

Customs on about 2000 taxable articles are of three kinds — *specific, ad valorem,* and *mixed. Specific* means so much per unit, as six cents a gallon on vinegar or $300 a pound on crude opium. *Ad valorem* means in "proportion to value," as ten per cent of the value of diamonds (in the rough) or ninety per cent of the value of laces. *Mixed* means that both a *specific* duty and an *ad valorem* duty are imposed upon the same article.

As the determination of values is very difficult, persons exporting to the United States articles valued at over $100 are required to have invoices certified by an American consul; when valued at $100 or less an oral statement is accepted. If the consul is not certain of the value he may demand three samples, one for himself, one for the board of general appraisers in New York, and one for the appraiser at the port to which the merchandise is sent.

[1] Two thirds of all custom dues are collected at New York.

To prevent fraud when merchandise is received at a port, ten per cent of the packages, taken at random, are opened and examined; and all personal baggage is examined. To prevent smuggling, detectives are at work here and abroad. The Treasury Department, independent of the navy, maintains a number of revenue cutters to prevent the smuggling of goods to this country.[1]

78. The Safe-Keeping of the Revenues.—*The Treasurer* of the United States may keep the revenues in the Treasury at Washington; in the Federal Reserve banks; in the Federal land banks; and in National banks under direction of the Secretary of the Treasury.

79. The Disbursement of the Revenue is regulated by acts of Congress. For the fiscal year ending June 30, 1926, the expenditures of the United States were as follows:

Legislative establishment	$ 15,776,230
Administrative Departments:	
War (including rivers and harbors)	355,072,226
Navy (including the marine corps)	312,743,410
Interior (including pensions)	301,759,049
Agriculture (including federal-aid highways)	155,350,432
Treasury (including coast guard and public health)	136,578,724
Postal deficiency	39,506,490
Commerce	29,132,016
Justice	23,774,129
State	16,521,348
Labor	8,544,900
Special Items:	
Interest on public debt	831,937,700
Public debt retirements paid from ordinary receipts	487,376,051
United States Veterans' Bureau	404,692,185
Refunds of customs and internal revenue	209,964,751

[1] The Coast Guard Service performs many other functions. It enforces immigration laws, neutrality laws, quarantine laws, and fisheries laws, including seal fisheries; it also enforces rules to ensure the safety of passengers and crews on excursion steamers and yachts. It operates the life-saving stations, assists vessels in distress, and when directed by the President it coöperates with the navy.

District of Columbia	$ 34,410,707
Miscellaneous	221,847,523
Total expenditures from ordinary receipts	$3,584,987,874
(excluding surplus applied to National debt and excluding expenditures from postal receipts)	377,767,816

No money is paid out of the Treasury unless authorized by an act of Congress. The money is paid by the *Treasurer* upon the presentation of a warrant drawn by the Secretary of the Treasury and approved by the Comptroller General.

The Comptroller General, with his staff of expert auditors and accountants, checks the books of the whole governmental establishment, prescribes the forms for accounting in all the departments, scrutinizes all expenditures, and reports his findings to Congress. Questions involved range from the cost of a battleship to the cost of a penpoint. His decision is final.

Some years ago the predecessor of the present official, who was then called the Comptroller of the Treasury, refused to authorize the payment of a bounty on beet sugar under an act of 1890, on the ground that the law creating the bounty was unconstitutional, whereupon suit was brought. The Supreme Court issued a mandamus[1] compelling the payment of the money. More recently the Comptroller had to decide whether a "tip" is a legitimate expense for an official whose expenses are paid. His opinion was that a tip of twenty-five cents to a Pullman porter for a day's ride is a legitimate part of travelling expenses.

80. United States Currency. — Currency, a term which includes all money authorized by the government, is of two kinds — metallic and paper.

Metallic Currency. — Gold, silver, nickel, and bronze coins are stamped at the mints in Philadelphia, Denver, and San Francisco.[2] At present these mints issue the double eagle ($20),

[1] A *mandamus* is an order issued by a court compelling an inferior court or an officer of the government to perform a legal duty.

[2] At the head of the Bureau of the Mint is a Director of the Mint. Subordinate to him is a superintendent for each mint.

eagle ($10), half eagle ($5), and quarter eagle ($2.50) [1] in gold. Gold is coined free for any person bringing the metal to the mints; but as ten per cent of the coin must be alloy (copper, or nine parts copper and one part silver) to make it durable, there is a small charge for the alloy. If one desires to store the gold in bank vaults or to export it, the mint will mould it into bars containing the government stamp to indicate its fineness and weight.

United States Mint at Philadelphia.

The United States Treasury will not receive gold coins which have been reduced in weight more than one half of one per cent, and then only in case they have been in circulation twenty years. If in circulation a shorter period the abrasion must be only in proportion. As the government makes no profit in coining gold it will not bear the cost of wear. When banks receive any quantity of gold coins they weigh them, and the last party that accepts a light weight gold coin is the loser.

The mints now issue the dollar, half dollar, quarter, and dime

[1] Discontinued in 1920.

in silver. Silver is purchased at its market value by the superintendent of the mint under the supervision of the Director of the Mint. A silver dollar weighs 412.5 grains, of which one tenth is alloy (copper), and as the cost of an ounce (480 grains) of silver in bullion was 70 cents on August 26, 1925, the cost of the silver in a dollar was 54 cents.[1] The treasurer, assistant treasurers, and depositories of the United States will redeem half dollars, quarters, and dimes in lawful money if they are not mutilated. Smooth coins are re-coined at the expense of the government.

The five-cent piece is made of three parts copper and one part nickel, and the cent is made of bronze (95 per cent copper and 5 per cent tin or zinc). Metal for these coins is purchased from the lowest bidder by the superintendent of the mint, with the approval of the Director of the Mint. The profit on these coins is even greater than that on silver coins. The Treasurer, assistant treasurers, and depositories of the United States will redeem these minor coins in lawful money provided they are not mutilated. Coins worn smooth are re-coined at the expense of the government.

Money which the law requires a creditor to accept in payment of a debt (unless otherwise agreed) when tendered by a debtor is known as *legal tender*. Besides United States notes, gold dollars and silver dollars are legal tender in any amount; half dollars, quarters, and dimes, known as *subsidiary coins*, are legal tender to the amount of ten dollars; nickels and cents, known as *minor coins*, are legal tender to the amount of twenty-five cents.

The only practical value of a legal tender law to-day is to prevent the payment of debts in coins which would be inconvenient to carry. The United States has the gold standard, which means that the value of all United States money will be kept on a parity with gold.

[1] The cost of silver changes like that of other commodities. On April 9, 1920, an ounce of silver cost $1.20.

Paper Currency consists of gold certificates, silver certificates, United States notes, National bank notes, Federal Reserve notes, and Federal Reserve bank notes. It is printed in Washington by the Bureau of Engraving and Printing.[1]

Gold certificates are receipts given any person who deposits gold coin or bars of gold with the Treasurer of the United States. The gold is kept in the government vaults until certificates are presented for its return. Silver certificates certify the same in regard to silver dollars. United States notes (" greenbacks ") were issued during the Civil War with nothing to secure them except the promise of the government to pay.

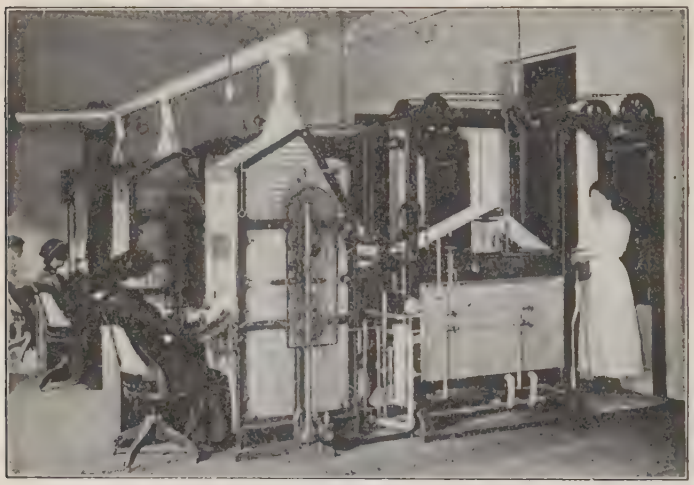
In 1864 when Maryland was invaded by General Lee's army these greenbacks were worth only thirty-nine per cent in gold. As we now have the gold standard they can be presented to the Treasurer of the United States and exchanged for gold. For this purpose the Treasurer is required to keep in reserve at least $150,000,000 in gold coins or bullion.

National bank notes have been issued by National banks under the direction and control of the Comptroller of the Currency. They have been issued in amounts equal to the par value of United States bonds deposited with the Comptroller of the Currency as security. They are redeemed in lawful money of the United States whenever presented to the Treasurer of the United States, and for this purpose each bank is required to keep on deposit with the Treasurer an amount of gold equal to five per cent of the amount of notes the bank has in circulation. The National bank notes now in circulation will doubtless be gradually retired through operation of the Federal Reserve Act.

Under the Federal Reserve Act, approved December 23, 1913, Federal Reserve notes, which are prepared by the Comp-

[1] The average life of paper money in the United States is less than three years; the average life of silver certificates, the paper money in most common use, is only about one year. When the old is exchanged for the new the old is either laundered and reissued or ground into pulp.

troller of the Currency under the authority of the Federal Reserve Board, may be issued by the twelve Federal Reserve banks. In addition, these banks may issue Federal Reserve bank notes in much the same way as the National bank notes are issued. The purpose of these notes is to give elasticity to our currency, *i.e.*, to allow the government to increase the volume of money when money becomes scarce, and thereby prevent a money panic. (See Sec. 118.)



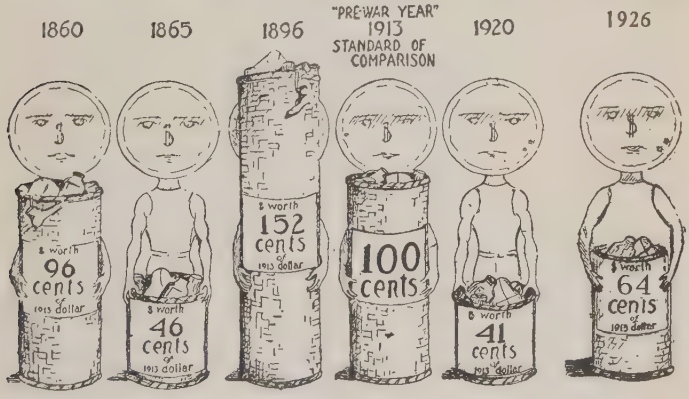
MONEY LAUNDERING MACHINES.
These machines are in the Treasury at Washington.

These notes may be issued upon the security of short term commercial paper (*e.g.*, private notes, drafts, etc.), and the only limit which the law places upon the amount of Federal Reserve notes which may be issued is that arising from the requirement for collateral and reserve, and the provision that interest may be charged upon them in the discretion of the Federal Reserve Board. Federal Reserve notes are receivable for taxes, customs, and other public dues and are redeemable in gold on demand at the Treasury Department in Washington, or in gold or lawful

money at any Federal Reserve bank. The gold reserve required against Federal Reserve notes is 40 per cent.

Mutilated paper currency may be redeemed if its condition permits its identification by the government experts.

81. The Gold Standard. — The United States formally adopted the gold standard by the Act of March 4, 1900, but had actually been on a gold standing since 1879. The act provides, "That the dollar consisting of twenty-five and eight tenths grains of gold nine tenths fine . . . shall be the standard unit of value, and all forms of money issued or coined by the United



THE VALUE OF THE GOLD DOLLAR IN GOODS AT WHOLESALE.

States shall be maintained at a parity of value with this standard and it shall be the duty of the Secretary of the Treasury to maintain such parity."

In the foregoing sections the reader must have observed that one can exchange gold certificates, United States notes, Federal Reserve notes, Federal Reserve bank notes, and National bank notes for gold coins. This paper money which can be exchanged directly for gold, plus actual gold coins, forms four fifths of all our money. The other fifth, composed of silver coins, silver certificates, nickels, and pennies, can easily be exchanged for

the above-mentioned forms of money; hence all of our money can be converted either directly or indirectly into gold coin. Any United States dollar is worth 23.22 grains of pure gold.

Costs of Living. — Prices are based upon supply and demand. During the World War gold flowed to the United States and increased demand while 5,000,000 young men in the army ceased producing supplies, therefore prices rose. The volume of gold in the United States (and money accepted by the government for gold) is now greater than in 1913, therefore prices cannot become as cheap as then until goods are produced more rapidly than gold creates a demand for them.

Comparative Wholesale Prices in the United States (1913 = 100)

Kind of Commodities	1896	1913	1920	U.S. Fiscal Year 1926
Farm products	54	100	218	152
Foods, etc.	67	100	220	156
Cloth and clothing	75	100	295	185
Fuel and lighting	69	100	241	175
Metals and metal products	80	100	192	127
Lumber and building materials	63	100	264	174
Chemicals and drugs	91	100	200	133
House furnishings	58	100	254	165
Miscellaneous	80	100	196	134
All commodities	66	100	226	156

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Questions on the Text

1. What are the duties of the Secretary of the Treasury?
2. How much revenue does the United States government receive annually? From what sources does this money come?

3. What is meant by *internal revenue?*
4. What is meant by *customs?*
5. Upon how many articles are tariff duties imposed?
6. How does the United States prevent fraud by importers of articles upon which a tariff is imposed?
7. Where does the United States government keep its money?
8. For what purposes does the United States expend its money?
9. What body must authorize the expenditure of all government money?
10. What officer sees that no money is expended except such as is authorized by Congress?
11. What is meant by *currency?*
12. What metallic currency does the United States now make? Where is it made?
13. On what kinds of metallic money is a profit made?
14. What is meant by *legal tender* money? *Subsidiary* coins? *Minor* coins?
15. What kinds of coins are *legal tender* money?
16. Where is paper currency printed?
17. What are gold certificates? Silver certificates?
18. How much gold does the Treasury keep in reserve and for what purpose?
19. What are Federal Reserve notes? How many may be issued? How may the Reserve Board prevent the issuance of too many? How are these notes secured?
20. If you have mutilated paper money that can be recognized, how would you exchange it for good money?
21. In 1900 the United States adopted the gold standard. What is meant by the *gold standard?*
22. How do you explain the recent changes in prices?

Questions for Discussion

1. During the past twenty years the average annual production of gold has been three times that of the previous twenty years, and there is now twice as much pure gold in the world as there was twenty years ago. Explain what effect this has had on prices of commodities.
2. If a man is saving money during a period when prices are rising, should he buy a farm which will yield him 6 per cent net interest upon the amount invested, or should he lend it on a good security at 6 per cent?
3. Buying stocks is buying shares in actual property. Buying bonds is lending money. Which would you buy when prices are rising?

4. In 1896 President Cleveland received a salary of $50,000. Now President Coolidge receives a salary of $75,000. Can Coolidge buy any more commodities with his salary than Cleveland could with his?

5. Previous to 1896, when prices were falling, a very large number of people were without work and marched with Coxey's Army to Washington to petition the government to provide work, but as soon as prices began to rise labor was in great demand. Explain the reason for these conditions.

6. Since 1913 the volume of money in the United States has increased by several billion dollars. What effect would you expect this increase to have upon prices?

7. Why do banks encourage their depositors to use checks instead of money?

8. If some chemist should discover a cheap means of extracting gold from sea water and, as a result, gold should become extremely cheap, what effect would it have upon the wealth of a person who has all his money in United States notes? In State bonds? In land or houses?

9. So long as the National government is financially sound why does it not make any material difference whether certain kinds of paper money are or are not legal tender?

10. During the Civil War the United States paper money was worth much less than gold money. Why? Confederate paper money was worth even less than United States paper money; and at the end of the war Confederate paper money had no value. Why?

11. Bring to class as many kinds of paper money as possible and examine the various kinds carefully. If you should happen to burn your paper money beyond recognition who would gain thereby? If a mouse should gnaw holes in it could you exchange it for new money?

12. John F. Sinclair relates the following story:

"Dr. Adolph Helfer is one of the great physicians of Vienna. He was born in America. His family lived in St. Louis. In 1912 his father died and left him $50,000, which was sent to him in Vienna. He was a careful, prudent man. He deposited the $50,000 in a savings bank in Vienna and received 3 per cent interest annually. I met Dr. Helfer in Vienna a few weeks ago. He had not taken a dollar, either principal or interest, from the original fund. He was hoping for an old age free from worry. Then we figured up what his $50,000 was worth in the summer of 1923. It came to exactly $3.15. The money had quickly slipped away — disappeared — and Dr. Helfer found himself holding an empty sack. That is what inflation does."

Explain inflation.

13. The United States borrowed billions of dollars during the World War when prices were high. If our Federal Reserve Board should suddenly withdraw large amounts of money from circulation, would it benefit those who hold the government bonds or the taxpayers who have these bonds to pay off?

14. In 1914 the total Federal subsidies paid to the States amounted to less than $6,500,000. In 1924 the following subsidies to the States amounted to nearly $145,000,000:

Aid for highway construction	$63,375,000
Forest roads and trails through Federal forests	39,000,000
State Militia ("National Guards")	19,467,000
Coöperative agricultural extension work between the "Department of Agriculture and the land-grant colleges for instruction and practical demonstration in agriculture and home economics to persons not attending college"	5,880,000
Education in the common wage-earning occupations	5,189,000
Forest fire prevention	1,743,000
Reforestation and extension of timber lands	2,800,000
State fund under mineral leasing act	2,787,000
Agricultural college support	2,550,000
Agricultural experiment station support	1,440,000
Sale of timber on public lands, etc.	1,321,000
Maternity and infant hygiene	848,000
Rehabilitation of civilians disabled in industry	551,000
For fighting pine rust, European corn borer, moth, etc.	500,000
Miscellaneous	113,000

To obtain the above subsidies, the States must match Federal appropriations and agree to certain supervision by Federal officers. Rich populous States pay to the Federal government more than they get back. Is this proper? Explain how they may get it back indirectly.

15. It is unconstitutional for the United States to tax State, county, or municipal bonds, or the income from them; and in practice, States do not tax their own State or local government bonds. In 1925 there were about $14,000,000,000 invested in wholly tax exempt securities. Would you favor a constitutional amendment permitting the United States to impose the income tax upon the income from State bonds? What effect would this have upon the rate of interest the States and local governments would have to pay?

CHAPTER XI

WAR, NAVY, JUSTICE, AND POST-OFFICE DEPARTMENTS

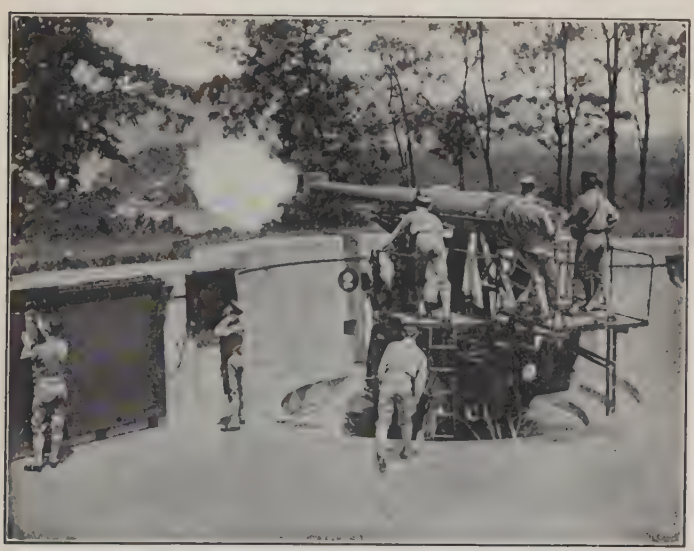
War Department

82. The Secretary of War directs the army, including the Army War College, West Point,[1] and service schools. He also has charge of fortifications, river and harbor improvements, bridges over navigable streams, and the administration of the Philippine Islands and Porto Rico. All estimates of appropriations for these functions of the department must be examined by him and referred to the President and to Congress. The War Department is especially subject to the President because the Constitution makes him commander-in-chief of the army.

83. Military Administration is distributed as follows: The *adjutant-general* transmits to the troops and individuals the orders that go out from the central administration, and

[1] For the United States Military Academy at West Point the President appoints 100 cadets from the United States at large, 4 from each State at large (recommended by senators), 2 from each congressional district (recommended by representatives), 4 each from the District of Columbia and the Philippines, and 2 each from Hawaii, Alaska, and Porto Rico (recommended by local officials), 20 honor graduates of schools having officers of the regular army detailed as professors of military science and tactics (recommended by heads of schools), and not exceeding 180 enlisted men of the regular army and National Guard (recommended by commanding generals and State governors respectively). Appointees must be between 17 and 22 years of age, except those from the regular army and National Guard, who must be between 19 and 22. All must pass a physical examination and a mental examination equivalent to a college entrance examination or submit a satisfactory certificate. During the four years of attendance each cadet is allowed about $1000 a year for expenses; and upon graduation he is commissioned as second lieutenant in the regular army.

keeps records and statistics of the army. The *inspector-general* supervises the inspection of all branches of the army. The *quartermaster-general* has charge of transportation, buildings, subsistence, and other supplies. The *surgeon-general* supervises the medical department. The *chief of finance* has charge of the financial affairs of the army, including the payment of



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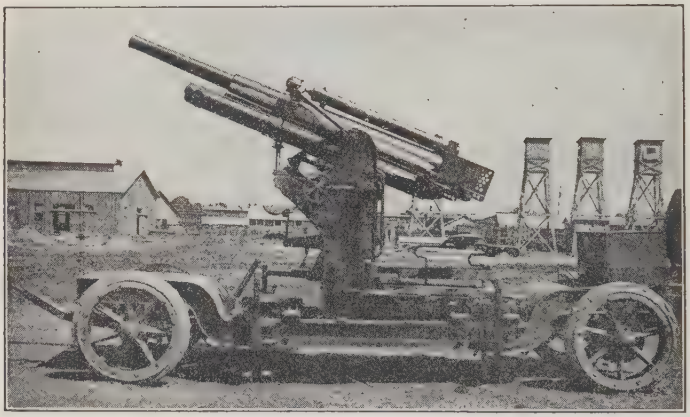
COAST DEFENCE DRILL BY WEST POINT CADETS.

soldiers and employees of the department. The *chief of engineers* supervises the engineer troops of the army and looks after the construction and maintenance of forts, military roads, bridges, and river and harbor improvements. The *chief of ordnance* provides and distributes the implements of war. The *chief of the chemical warfare service* experiments with and supplies smoke and incendiary materials, toxic gases, and gas defence appliances. The *judge-advocate-general* records the proceedings of courts-martial, and is legal adviser to the Secretary of War.

84. The General Staff. — During the Spanish-American War (1898) President McKinley, the Secretary of War, and the Secretary of the Navy sat in the War Room at the White House and sent out general instructions to the army and navy, leaving the details to the commanding officers. It was seen that these civil administrators lacked practical experience for this duty and, in 1903, a supervising military bureau of the War Department, known as the General Staff, was created.



Anti-Aircraft Gun.

The General Staff consists of the Chief of Staff, four assistants, and more than a hundred other officers of grades not below that of captain. It prepares plans for national defence, investigates the efficiency of the army, and advises the Secretary of War. Plans or recommendations are transmitted through the Chief of Staff, and, if approved, the Chief carries them into effect. The members of the staff do not serve for more than four consecutive years, and thus the body is kept in constant touch with the practical problems of warfare.

85. The War Council and War College. — *The War Council*, consisting of the Secretary of War, the Assistant-Secretary, the General of the Army, and the Chief of Staff meet from time

to time to advise the Secretary concerning military and munitions problems.

The Army War College functions under the Chief of Staff. It is a school where not exceeding one hundred especially fitted officers study military strategy and the handling of large units.

86. The Army. — The army of the United States consists of the regular army, the organized reserve, and the National Guard while in the service of the United States.

Official Photograph, U. S. Army Air Service.

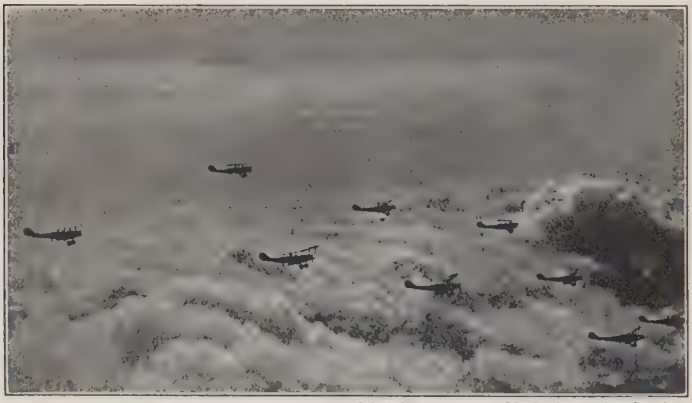
ARMY WAR COLLEGE, WASHINGTON, D. C.

The regular army consists of the infantry, the cavalry, the field artillery, the coast artillery corps, the air service, the corps of engineers, and the signal corps, which seven branches are known as the "line" of the army.

According to the law of 1922 the regular army is composed of not exceeding 125,000 enlisted men. Original enlistments

are for a period of either one or three years, but reënlistments are for three years.[1]

Reserve Officers are commissioned by the President for a period of five years, but an appointment in force at the outbreak of war, or made in time of war, continues in force until six months after war has ended. *Enlisted Reserves* enlist for three years, except World War veterans who may enlist for one year. Neither Reserve Officers nor Enlisted Reserves



Official Photograph, U. S. Army Air Service.

AIR FLEET CONCEALING ITSELF ABOVE THE CLOUDS.

may be summoned for active duty for more than fifteen days a year without their consent, unless Congress declares an emergency to exist.

National Guard original enlistments are for a period of three years and subsequent ones for a period of one year. *National Guard Reserves* may enlist for one or three years. During peace the National Guard of any State is subject to the governor, and is commonly called the "organized militia."[2] In

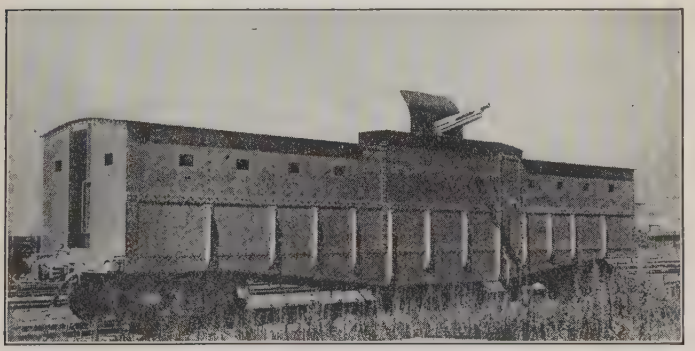
[1] No person under eighteen years of age may enlist without the consent of his parents or guardian.

[2] The unorganized militia includes all male citizens between 18 and 45 years of age.

time of war it can be ordered anywhere the President needs it. It receives its equipment from the National government, and since 1916 the guardsmen have received a small regular salary from the National government.

Congress may authorize the President to call for volunteers, or to draft citizens as was done during the World War.

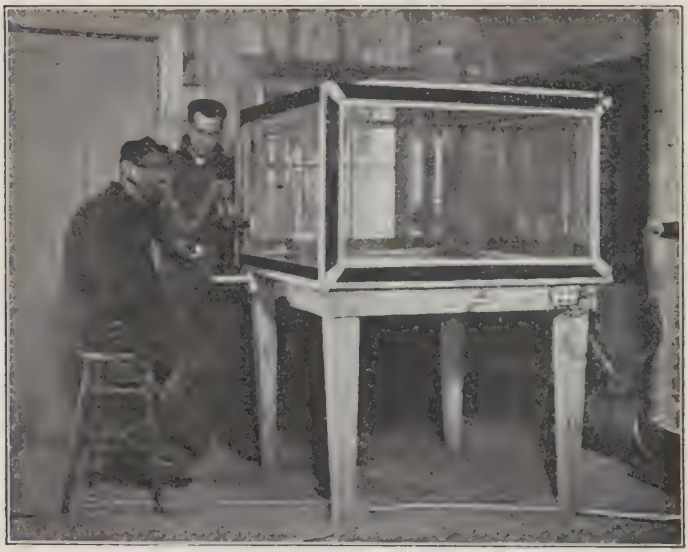
In times of peace the army is often used at the discretion of the President for various purposes. For instance, it has frequently been used to hold the Indians in subjection. In 1894,



The First Armored Car Completed for the United States Army. It carries a field gun and a number of machine guns.

when the strikers of the Pullman Car Company interfered with trains carrying mail near Chicago, President Cleveland sent United States troops to prevent any delay of the mails. At the time of the San Francisco earthquake United States troops were used to guard the property, and recently when the Mississippi River overflowed its banks, troops were used to rescue persons in peril. In 1915 troops were used in Colorado to guard property and maintain order in the strike region. Army officers are also often used for various engineering projects of the government, such as making surveys and the building of the Panama Canal.

The Chemical Warfare Service of the army is coöperating with other branches of the government in an effort to apply its knowledge of gases to everyday problems: it is coöperating with the Public Health Service in devising a better method of fumigating ships; with the Bureau of Mines in perfecting gas masks for the miners and in developing a practical method of manufacturing high grade charcoal direct from coal; with the Agricultural Department in determining the toxic effect of various



Lachrymator, Apparatus Used on Man.

chemical agents upon predatory animals and harmful insects, and in fumigating fruit trees beneath a movable covering; and with the Bureau of Insular Affairs in the destruction of grasshoppers in the Philippine Islands.

87. Cost of War in Time of Peace. — The average annual army appropriations for the eight years just preceding the Spanish-American War amounted to $24,000,000. In 1914, the year before the World War, the military establishment (in-

cluding river and harbor improvements) amounted to $173,500,000. Now the army costs about $350,000,000 a year. The cost of our army, navy, interest and payment on war debts, and pensions takes more than two thirds of our Federal taxes — a strong argument for better coöperation among nations!

Navy Department

88. The Secretary of the Navy has the administration of his department distributed among the following seven bureaus: navigation, yards and docks, ordnance, construction and repair and aëronautics engineering, medicine and surgery, and supplies and accounts. The United States Naval Academy at Annapolis educates officers for the navy.[1] The navy includes the marine corps, which is carried here and there to quell disturbances on land. The average annual appropriation for the navy during the eight years preceding the Spanish-American War was $27,500,000; it is now about $300,000,000.

The President is commander-in-chief of the navy, as of the army. The Secretary of the Navy, like the Secretary of War, is usually taken from civil life. Strategical and tactical matters are under the control of a General Board, corresponding to the General Staff of the Army. The Naval War College at Newport prepares officers for the General Board as the Army War College prepares them for the General Staff.

The Five-Power Naval Treaty, agreed upon at the Washington Conference on the Limitation of Armaments in 1922, limits

[1] Midshipmen are recommended by representatives, senators, and delegates of the territories, and appointed by the Secretary of the Navy; each representative, senator, and delegate being allowed three. In addition to these, the President annually appoints two for the District of Columbia, and fifteen at large from the United States. One hundred enlisted men of the navy or marine corps who pass highest on competitive examination are appointed by the Secretary of the Navy each year.

Appointees must be between sixteen and twenty years of age, and must pass entrance examinations or else present satisfactory certificates. The course is four years. Midshipmen are paid $780 annually from the date of admission, and at graduation they are commissioned as ensigns.

naval armament until December 31, 1936, and thereafter until one of the signatories terminates the treaty by giving two years' notice. Each Power is limited to the following tonnage:

Power	Capital Ships[1]	Aircraft Carriers
United States	525,000	135,000
British Empire	525,000	135,000
Japan	315,000	81,000
France	175,000	60,000
Italy	175,000	60,000

The tonnage of capital ships is limited to 35,000 and guns to 16 inches; aircraft carriers to 27,000[2] tons and 8-inch guns.

U. S. S. California.

There is no limit to the number of war craft not exceeding 10,000 tons and bearing guns of less than 8 inches. Therefore competitive building of auxiliary craft may continue.

[1] Capital ships are war vessels, other than aircraft carriers, of more than 10,000 tons, or those armed with guns of 8 inches or more caliber.

[2] Each Power may have two aircraft carriers of 33,000 tons.

These Powers agree not to construct for other powers war vessels with greater displacement or armament than they may construct for themselves; nor, in the event of war, may any war vessels constructed for other powers be used by the signatories.

Official Photograph, U. S. Army Air Service.

MARTIN BOMBER LAYING SMOKE SCREEN.

Merchant ships are not to be built for conversion into war vessels other than the necessary stiffening of decks for the mounting of guns not exceeding 6-inch caliber.

In case of war a Power may, by notifying the other signatories, suspend most of these treaty obligations for the period of the war.

DEPARTMENT OF JUSTICE

89. The Attorney-General, head of the Department of Justice, has been a member of the President's Cabinet since 1789, but the department was not established until 1870. Besides giving legal advice to the President and heads of the other de-

partments he is prosecuting attorney for the government, directs the administration of the Federal court system, and supervises Federal prisons.

As prosecuting attorney the Attorney-General seldom appears in court in person. His numerous assistants prepare cases and represent him in court. One, known as the "chief trust buster," prosecutes those accused of violating the anti-trust laws of the United States; another represents the government

The Federal Prison at Fort Leavenworth, Kansas.

in all suits brought against the United States in the Court of Claims; another has charge of cases arising out of the administration of our customs laws; and so the work is divided.

As director of the Federal court system the Attorney-General is consulted by the President in the appointment of Federal district attorneys and Federal district marshals. After these officers are appointed by the President they are under the direction of the Attorney-General.

As director of Federal prisons the Attorney-General not only provides for the detention and support of Federal prisoners,[1]

[1] See Sec. 69, note.

but supervises the paroling of prisoners, examines petitions for pardons, except those of military prisoners, and makes recommendations to the President.

The Secret Service of the department investigates such breaches of the Federal law as violations of the National banking laws, anti-trust laws, bucket-shop laws, Chinese smuggling, customs and internal revenue frauds, and post-office frauds.

Post-Office Department

90. The Postmaster-General is the head of the Post-Office Department, which was advanced from a bureau of the Treasury Department to an independent department in 1829. He awards

Washington City Post-Office, with Union Station Adjoining.
The location of this building obviates the necessity of hauling the mail to and from the station.

contracts for the transportation of mails, appoints departmental employees and fourth-class postmasters subject to the civil service rules, and sends the names of the three passing the highest civil service examinations for first-, second-, and third-class post-

masters [1] to the President, who, with the consent of the Senate, appoints them. The work of the department is divided among four bureaus with an assistant postmaster-general over each. The department is approximately self-sustaining; but it works at a great disadvantage because Congress controls postage rates and salaries of employees, and it is often governed more by political expediency than by economy and efficiency.

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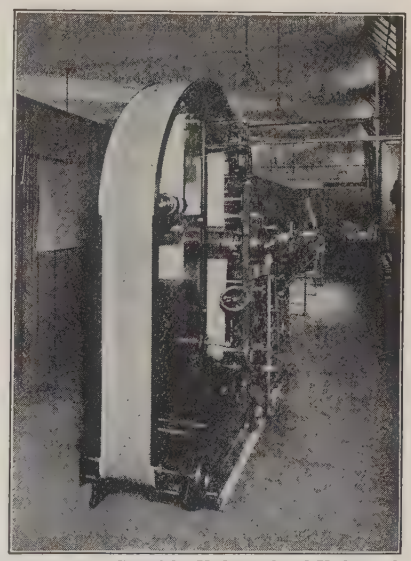
CLERKS ASSORTING MAIL IN RAILWAY MAIL CAR.

The Franking Privilege. — The privilege extended to congressmen and officials in the administrative departments whereby they may mail official letters and other articles such as the Congressional Record, reports, documents, and packages of seeds free of postage is known as the "franking privilege." This privilege is much abused, especially in campaign years. Campaign literature is printed for congressmen in the government printing office at actual cost and then sent broadcast to voters at the expense of the government. During the fiscal year 1921 more than 480,000,000 pieces of mail, weighing about 80,000,000 pounds, were carried by the postal service free of charge under the franks of congressmen and of the various government establishments. If postage at the usual rates had been paid on

[1] Postmasters are graded into classes according to the receipts of the office. First-class postmasters receive an annual salary ranging from $3200 to $8000; second-class, between $2400 and $3200; third-class, between $1100 and $2400; and fourth-class, less than $1100, the amount being graded according to stamp cancellation and certain specified office receipts.

this matter, the postal revenues would have been increased by more than $13,000,000. This free mail privilege was furnished to government officials at an estimated cost to the department of $6,000,000.

91. Improvements in the Service. — Among the improvements made in our postal service during the past half century the following might be mentioned: registration of letters with insurance not exceeding $50, free delivery, money orders, one-cent post cards, two-cent postage at home and to many distant countries, special delivery, rural free delivery, postal-savings banks, parcel post, and a coast to coast air service. It is advocated that the telegraph and express business be monopolized by the United States government as has already been done by the governments of England and many other countries.



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STAMP PRINTING MACHINE

These machines are located in the Bureau of Engraving and Printing, and each prints, gums, perforates, and coils 350,000 stamps daily.

92. Prohibited Articles. — Lottery tickets, whiskey, obscene literature, and all things which are likely to injure other mail are excluded from the mails; and further, when any person or firm attempts to procure money or property through the mails by fraudulent schemes, the privileges of the mails are withdrawn from the offender.

If the Postmaster-General decides that a business is fraudu-

lent he issues a "fraud order" to the local postmaster and to the person accused, whereupon the postmaster stamps the word "fraudulent" upon all letters addressed to the accused and returns them to the writers if there are return addresses upon the envelopes; if not, they are sent to the Dead Letter Office in Washington, where all unclaimed letters are sent to be opened and forwarded to the address found inside.

Recently a fraudulent firm, under the name of the National Mail Order Brokerage Exchange, mailed letters from Minneapolis offering a $4.50 silk petticoat for ten cents in silver on condition that the purchaser notify five friends of the offer, and request each one of them to do likewise. More than 500,000 orders were received at the Minneapolis office, but the promoters received comparatively few of them, as an investigation by the postal authorities frightened the swindlers away. It has cost the government thousands of dollars to handle and return these letters. If these fakirs are ever captured a term awaits them in the Federal prison.

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Annual Report of the Attorney-General.
Annual Report of the Postmaster-General.

Questions on the Text

1. What are the duties of the Secretary of War?
2. What are the duties of the Adjutant-General? Inspector-General? Surgeon-General? Chief of Finance? Chief of Engineers? Chief of Ordnance? Judge-Advocate-General? Chief of the Chemical Warfare Service?
3. Why was the General Staff created? Of whom does it consist? What are its duties?

4. What is the Army War College? Of whom does it consist?
5. What studies are pursued there?
6. Of what forces is the United States army composed? Is your father a member?
7. For what purposes may the President use the army in times of peace?
8. What is the cost of war in times of peace?
9. What are the duties of the Secretary of the Navy?
10. How are naval cadets appointed? What pay do they receive while they are being educated?
11. Discuss the cost of our navy.
12. Who is commander-in-chief of the navy?
13. What is the purpose of the General Board?
14. What are the duties of the Attorney-General?
15. How is the work of the Department of Justice divided?
16. What are the duties of the Secret Service of the Department of Justice?
17. What are the duties of the Postmaster-General? What salaries are paid postmasters?
18. What is meant by the *franking privilege?*
19. What improvements have been made in the postal service during the past fifty years?
20. What articles are excluded from the mails?
21. What is a *fraud order*, and by whom is it issued?

Questions for Discussion

1. Mention some purposes for which you think the army could be used other than those for which it is now used.
2. Professor Bogart of the University of Illinois estimates the direct costs of the World War at more than $186,000,000,000. The indirect costs he puts at over $151,000,000,000. His estimate of the total cost reaches the stupendous figure of more than $337,000,000,000. How many miles of paved road would this amount pay for at $25,000 a mile? How many universities would it endow so that a six per cent investment would yield $1,000,000 annually?
3. A single war vessel of the superdreadnaught type costs about $25,000,000, or enough to pave a thousand miles of road which would last about twice as long as the vessel. Is not the fact that nations seem to find it necessary to waste such large amounts a great reflection upon civilization and Christianity? How do you think the need of so many war vessels might be avoided?

4. Article 10 of the League of Nations Covenant provides that each member will respect and preserve the boundaries and independence of all members against outside aggression, the Council of the League to advise upon means of fulfilling this obligation. The United States refused to join the League because many thought this would involve the United States unduly in European conflicts. It is now proposed that instead of Article 10 each nation agree to prevent aggression upon its own continent. Should the United States enter the League of Nations with this provision? (For copy of League Covenant see Senate Document Number 85, 1st Session, 66 Congress 1919.)

5. When a new post-office building is erected in a small town the janitor for the new building often costs as much as the rent of the former quarters. This appears extravagant. On the other hand, a new, well-ventilated, and lighted building of pleasing architecture may inspire the people of the town with respect for the government and for other civic improvements. Do you favor a government-owned post-office even if it costs more than a rented one?

6. Learn from your postmaster what is included in first-, second-, and third-class mail, and the rates on each. What articles can be sent by parcel post? Can you insure a parcel? Send it by special delivery? Send it C. O. D.?

7. It has been discovered that the farmers who produce much of the food consumed in New York City get for their products only 40 per cent as much as the consumer pays for them. How can the National government help to remedy this situation?

8. In February, 1849, Representative J. G. Palfrey made the following appeal for a reduction in the rate of postage: "How mightily would a reduction in the rate of postage operate on the activity of business, and accordingly on the wealth of the nation! How would science, letters, invention, benevolent enterprises, rejoice in this privilege of cheap communication! What an intellectual action would it quicken in every class! I think very much of colleges. I dearly love common schools. But I shall not at present say that cheap postage will not turn out to be an institution for education more efficient than either. It would set everybody to learning to read and write who had not already learned; and those who had, it would teach to describe, and narrate, and think, and would excite them to study and observe.

"Cheap postage would cultivate affections. Friends, brothers and sisters, and even parents and children, separate to spend the rest of their lives apart. Why is it that in time many become almost strangers to one another? Why does not a letter sent and received two or three times a week keep up their interests in their homes, renew constantly a

pure enjoyment, and afford the best security against every moral danger? It costs too much.

"Cheap postage would bring better mutual acquaintance of citizens of different parts of the republic, cementing the political union through their free interchange of thought." Has Mr. Palfrey's prophecy come true?

9. Between 1913 and 1920 the general level of prices more than doubled, but the price for carrying a letter thousands of miles remained the same, except for the temporary war tax of one cent a letter which did not go to the Post-Office Department. Is there any connection between this fact and the before-the-war argument for penny postage?

10. It is unlawful to use the mails for a fraudulent purpose. For instance, a few years ago a young man from a distant State went to Maryland, married a wealthy woman, and persuaded her to send him to Philadelphia to study medicine. The young man used the allowance to support himself in idleness instead of devoting it to an education. But, inasmuch as he had used the mails to request money fraudulently from the Maryland woman, he was prosecuted by Uncle Sam.

We have seen how the United States Government has expanded its powers through its right to regulate interstate commerce and its right of taxation. Is this right to prevent fraudulent use of the mails likely greatly to increase its powers?

11. In a New Zealand post-office a person can buy stamps, mail a letter or parcel, send a telegram, deposit money, collect a pension, report births and deaths, and insure his life. What new functions do you think our postmasters might economically perform?

CHAPTER XII

INTERIOR, AGRICULTURE, COMMERCE, AND LABOR DEPARTMENTS

Department of the Interior

93. The Secretary of the Interior is the head of the Department of the Interior, which department grew out of the large accession of territory following the Mexican War. In 1849 various functions were withdrawn from the other departments to form this new department of unrelated governmental bureaus and divisions, of which the following now remain: government lands, geological survey except mineral resources, reclamation, Indians, education, pensions, oil leasing, and mineral leasing.

A recent Secretary of the Interior, realizing the difficulty of supervising such unrelated bureaus, recommended that *patents* be placed under the department then known as the Department of Commerce and Labor; *pensions* under the War and Navy Departments; and that the remaining functions be consolidated with the Agricultural Department. This, however, has not as yet been done.

94. The General Land Office, the most important bureau of the department, has charge of the patrolling, surveying, and sale of several hundred million acres of public lands of the United States. In the past large tracts have been sold to land speculation companies, given to railroad corporations in order to promote the construction of railroads and thus develop the country, given to States for public schools, agricultural colleges, and internal improvements; but gradually the practice of giving a 160-acre homestead free, or for a small

fee, to any person who will live on it has gained favor. The best policy is to preserve government lands containing minerals, timber, or water-power, but sometimes the Secretary turns these over to private companies to "develop."

95. The Geological Survey, during the past thirty years, has made topographic and geologic maps of more than one third

THE NEW INTERIOR BUILDING.

Pan-American Union | Daughters of American Revolution | Red Cross

of the surface of the United States; and because of this work we not only know the height of hills and the volume of water which flows in streams, but we know where valuable minerals occur below the surface.

As an illustration of the value of this work, a few years ago when the Lackawanna Railroad relocated thirty-four miles of its main line the engineer of construction sat comfortably at his office desk and ran all the preliminary surveys, and even made the final location for the $12,000,000 improvement from the data contained on the topographic sheet.

96. The Reclamation Bureau's most important work is irrigating the desert places of the Western States. By an act of Congress passed in 1902 a fund received from the sale of public lands in certain Western States, except five per cent set aside for educational purposes, is to be used permanently for the reclamation of arid lands. This fund has increased to more than $100,000,000. Some idea of the vastness of this work can be gathered from the fact that in one Colorado plant a tunnel six miles long had to be dug through a mountain. The reclaimed land is sold to farmers in small tracts on easy terms, and the money derived therefrom is used in the furtherance of this work.

United States Geological Surveyor at Work.

97. The Commissioner of Indian Affairs has charge of the lands, moneys, schools, and general welfare of 300,000 Indians now living on reservations in the United States. As soon as Indians become able to perform the social, political, and legal duties of citizens they are given tracts of land and made responsible as other citizens; but the land which is assigned them may not be sold for a certain number of years, at the end of which time it is hoped they will not squander the proceeds. After that, each will have to "hoe his own row" as any other citizen of the State in which he lives.

98. The Bureau of Education is "a national clearing house" for educational information. The annual report of the Com-

missioner of Education contains statistics of colleges, and of high and common schools; also stories of educational reforms.

99. The Bureau of Pensions examines applications for pensions other than those of World War veterans, who come under the Veterans' Bureau. Congress acts upon its recommendations and votes money for pensions. Nearly half of the half

Arrowrock Dam on Boise River, Idaho.

million military pensioners are widows of Civil War veterans; a few are widows of veterans of the War of 1812.

Department of Agriculture

100. The Secretary of Agriculture is the head of the Department of Agriculture, which, until 1889, was the Bureau of Agriculture in the Department of the Interior. The functions of the department are divided among the following bureaus: animal industry, plant industry, weather, forest service, soils, chemistry, entomology, biological survey, public roads, agri-

cultural economics, home economics, and fixed nitrogen research laboratory. In addition to these bureaus there is a Federal Horticultural Board, an Insecticide and Fungicide Board, and a packers and stockyards administration.

An important branch of the department's work is *scientific research.* For example, it discovered that the growth of plants and seed production are greatly influenced by the length of the day, so now by shortening the day artificially by darkening greenhouses it is possible to crosspollinate plants which formerly could not be crossed because they grow in different latitudes.

FUMIGATING EGYPTIAN COTTON IN A BOSTON WAREHOUSE.

Each cylinder accommodates fifty-two bales, which can be removed, fifty-two more introduced, and door closed within three minutes. An inspector of the Federal Horticultural Board is constantly present to see that the cotton is properly fumigated.

The department also conducts *scientific investigations.* For example, it has demonstrated that many kinds of dusts will explode. Millions of dollars in property and hundreds of lives have been lost by the explosion of threshing machines and grain elevators. Grain smut which is extremely explosive is now blown from machines by fans which prevent explosions. Investigation of the durability of different types of road is an important branch of its work.

Extension work is carried on by the department through lectures, demonstrations, exhibits, and moving pictures; and it issues quantities of agricultural literature.

There are more than forty laws of a regulatory character administered by this department. It enforces the Food and Drug Act; it sees that every animal killed in a slaughter house engaged in interstate business is inspected before and after being killed; it prevents unfair practices by these slaughter houses, such as the agreement to fix prices; it sees that cattle are not kept in railroad cars more than 28 hours without being unloaded for food and water; it guards interstate commerce against fake remedies offered to farmers for ridding crops of insects and diseases; it enforces our treaty with Canada for the protection of numerous migratory birds; and it controls Federal aid given to State highways.

Federal-aid highways are built by State highway departments but subject to various restrictions because the National government bears a portion of the cost. The National government's share in the cost of these roads is 50%[1] but not exceeding $15,000 a mile, and the States are to designate for this aid not exceeding 7% of their total road mileage until this is improved, and if a State does not maintain these roads when built in a manner approved by the Secretary of Agriculture, he may have them repaired and deduct the cost thereof from the Federal funds allotted to such State. The National aid is apportioned among the States in the following manner:

One third in the ratio which the area of each State bears to the total area of all the States;

One third in the ratio which the population of each State bears to the total population of all the States; and

One third in the ratio which the mileage of rural delivery routes and star routes in each State bears to the total mileage of rural delivery routes and star routes in all the States. (See Sec. 6, 4 *h*.)

101. The Bureau of Animal Industry regulates the National quarantine for live stock, studies animal diseases, and is carrying

[1] States containing untaxed public lands equal to not less than 5% of the total area receive a somewhat larger percentage of the cost of these roads.

on a determined campaign to root out tubercular cattle. By experiments in the breeding and feeding of live stock and poultry, it has discovered that about one fourth of the dairy cows of the United States do not pay for their feed, and if the bureau's directions were followed as to the best breeds of chickens to keep and how to feed them it is estimated that the increased annual value of eggs would be $50,000,000.

102. The Bureau of Plant Industry ransacks the world for new crops suitable to the American soils. During the past

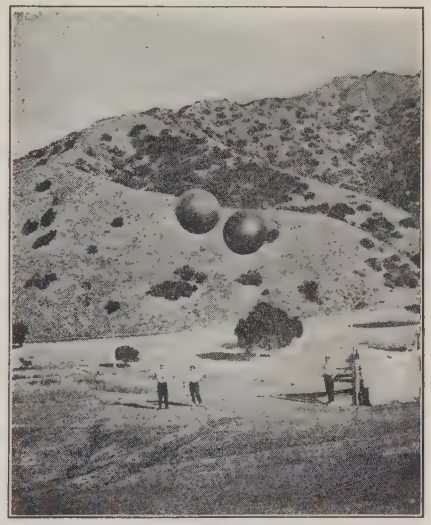
FIELD TESTS WITH CYANAMID MANUFACTURED AT U. S. NITRATE PLANT, MUSCLE SHOALS, ALABAMA, MADE BY FIXED NITROGEN RESEARCH LABORATORY, U. S. D. A.

Application per acre		*Yield per acre*
No fertilizer	(Left)	33.6 bu.
No nitrogen 80 lbs. phosphoric acid 40 lbs. potash	(Center)	40.4 bu.
40 lbs. ammonia as cyanamid 80 lbs. phosphoric acid 40 lbs. potash	(Right)	48.6 bu.

quarter century more than 50,000 new plants or seeds have been brought here for trial, and many of them are an important part of our agriculture. In 1870 it brought the navel orange from

Brazil and introduced this fruit in California, where it has become one of the principal crops. It has introduced the soy bean from China and the pistachio nut from Western Asia. From Egypt it introduced the long fibre Pima cotton which has brought prosperity to the Salt River Valley of Arizona.

The department has aided commerce by standardizing various crops. For example, the requirements for No. 1 wheat are now the same the country over, and a Nebraska farmer is speaking a common language with the New York broker when he refers to No. 1 wheat.



Launching Sounding Balloons at Avalon, California.

The Weather Bureau uses these balloons for carrying aloft recording instruments (meteorographs). The greatest altitude of record is twenty-one miles.

103. The Weather Bureau receives reports of heat, cold, clouds, rain, snow, and the direction and velocity of the wind. From this information well-trained officials forecast the weather conditions. Daily storm warnings are of especial value to aviators and save millions of dollars invested in vessels, besides many lives; frost warnings serve the growers of fruit and vegetables; flood forecasts, often a week in advance, enable farmers to save live-stock and other property. Freezing forecasts enable railroads to save perishables in transit, greenhouses to fire their boilers, gasoline engines to be drained, concrete work to be stopped, coal dealers to supply partial orders to all instead of full orders to a few,

ice factories to reduce their output, and merchants to adjust their advertising. Rain forecasts protect the raisin crop, enable fruit growers and farmers to harvest and shelter crops, protect the manufacturer of lime, cement, and brick, as well as photographers. Humidity forecasts are useful to silk and candy manufacturers.

104. The Forest Service has charge of National forest reserves — now approximately 156,000,000 acres. The preservation of these forests is of great value because they prevent floods which denude the soil, and they conserve the winter rain and snow that make rivers navigable in summer, irrigate plains, and supply pure water for our cities and towns. Cattle are allowed to range in these forests and the timber is cut as it matures. The forests are constantly patrolled by mounted rangers, and during the dry season also by aviators who detect fires and prevent the stealing of timber. Aviators have also been used to scatter seed during the wet season. Ingenious methods are often used to aid in the work. For instance, homing pigeons have been carried from ranger stations to a fire area and released with messages when unforeseen emergencies arise.

Photo by U. S. Forest Service.

USING THE OSBORNE FIRE FINDER.

By using these instruments from two lookout points of known distance apart fires can be located geometrically by means of the angles.

105. The Bureau of Entomology combats insects which are a menace to crops, animals, and persons. A favorite method of fighting insect pests that come from a foreign shore is to go back to the home of the pest and discover its natural enemy. When

the white scale of citrus fruit threatened this fruit industry of California, the ladybug was imported from Australia to save the industry. From California the ladybug was carried to various sections to prey upon the aphis and plant lice. One ladybug will eat about two hundred plant lice a day. The Smyrna fig trees of California did not bear until a friendly little fly, which is the go-between in fertilizing the fig, was imported.

The Biological Survey investigates the relations of birds and mammals to the work of farmers and stockmen.

106. The Bureau of Chemistry has an important duty in connection with the pure food laws. It determines which foods are adulterated with poisonous elements and with ingredients that give little or no nourishment. From time to time a "poison squad" tests foods by eating large quantities and studying the effects upon their own systems.

Department of Commerce

107. The Secretary of Commerce is the head of the Department of Commerce. This department gathers census statistics; regulates standards and measures; propagates and distributes fishes; maintains lighthouses; supervises navigable waters, coast and geodetic survey work, and steamboat inspection; registers patents, etc.; promotes the development of mining; and encourages foreign and domestic commerce.

The Census Bureau enumerates the population of the United States every ten years in order to apportion representation in the House of Representatives and presidential electors among the States. In 1920 more than 87,000 enumerators counted the people according to race, sex, and age, and collected many other facts, such as agricultural statistics. Several years are required to tabulate the statistics gathered each decade. Between the periods for the decennial censuses various other special reports are made on agricultural, vital, and other statistics. Every fifth year an investigation of all manufacturing industries is made. (See Sec. 6, 4 *f.*)

108. The Bureau of Patents[1] is called the Patent Office. At its head is the Commissioner of Patents who is responsible for granting patents and registering trade marks, prints, and labels.

Patents of Inventions. — Any American and any foreigner whose native country protects American inventions, by the payment of a $40 fee, is given the exclusive right to make, use, or sell his patented article for seventeen years.[2] On filing an application for a patent $20 must be paid and the additional $20 is paid if the patent is granted. The applicant for the patent must declare to the Commissioner of Patents that he is the real inventor of the article described by drawings, or by a model if the commissioner requests it.

When a new patent is applied for, it requires considerable research to know whether a prior patent is being infringed. To facilitate this research the bureau is broken up into a number of divisions. If, for example, application is made for a patent upon a trap of any kind, it is referred to the division which examines nothing but traps.

To obtain a patent it is not necessary to have a patent-attorney, but it is highly advisable, because without skillful preparation of the specifications and claims, an application is likely to be rejected. And even if it is granted, the inventor will likely find himself in a weak position in case of litigation. If by error the Patent Office grants a second patent for the same invention, the owner of the first patent can have the Federal courts declare the second patent void. A patent-attorney can obtain patents in all countries that reciprocate with us, by paying a fee to each.

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[1] In 1925 the Bureau of Patents was transferred from the Department of the Interior to the Department of Commerce, by an executive order of the President. Most transfers require an act of Congress but the act creating the Department of Commerce vested the President with authority to transfer certain bureaus whose work is related to commerce.

[2] Rights are secured to heirs and assignees of inventors.

Among the early important patents are Eli Whitney's cotton gin (1793) and Robert Fulton's steamboat (1809). When the Wright Brothers invented the biplane air-ship, they took out numerous patents covering every phase of the invention. Thomas A. Edison already has hundreds of patents.

A Patent of Design is protected for three and one half, seven, or fourteen years as the applicant elects. Examples are automobile bodies, fraternity emblems, lighting fixtures, wall papers.

A Trade Mark is a distinctive word, emblem, symbol, or device used on goods actually sold in commerce, to identify the manufacturer or seller of the goods. Examples are Gillette razors, Kodak, Sun-kist, and Literary Digest. Only marks used in interstate or foreign commerce may be registered in the U. S. Patent Office. A trade mark is a common law property right and will be protected against encroachment by the courts even if it is not registered; but advantages of registration in the Patent Office are (1) evidence of ownership, (2) right to bring suit in U. S. courts, (3) permits registration in foreign countries, (4) protects against imported articles bearing same trade mark.

A Label is attached to an article of commerce. It is descriptive and often includes the trade mark with color scheme. Examples are Waterman's (Ideal) Ink, Herpicide, and Grandma's Cake. Labels are copyrighted in the Patent Office.

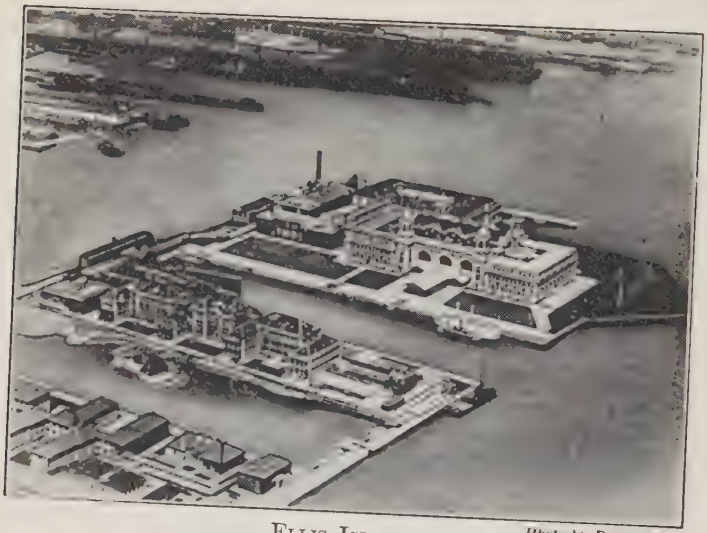
A Print used for advertising merchandise in street cars, magazines, etc., is copyrighted in the Patent Office. Artistic prints may be copyrighted in the Copyright Office.

PATENT OFFICE REGISTRATIONS

IDEA	DURATION	RENEWAL	COST
Patents of Invention	17 yrs	Only by special Act of Congress	$40
Patents of Design	$3\frac{1}{2}$, 7, 14 yrs		10, 15, 30
Trade Marks	20 yrs	20 yrs	10
Labels	28 yrs	28 yrs	6
Prints	28 yrs	28 yrs	6

Department of Labor

109. The Secretary of Labor had a portion of the functions performed by the Secretary of Commerce and Labor until 1913, when the Department of Commerce and Labor was divided, with a few new functions added. The purpose of the new department is to foster, promote, and develop the welfare of wage earners in the United States, to improve their working



Ellis Island. *Photo by Brown Bros.*

conditions, and to advance their opportunities for profitable employment. The department has a bureau of immigration, a bureau of naturalization, a bureau of labor statistics, a children's bureau, and a women's bureau.

110. The Bureau of Immigration. — The Commissioner-General of Immigration is charged with the reception of all immigrants, most of whom enter at Ellis Island, New York, or at New York City. Adults, with a few exceptions, are required to read forty words of some language; a head tax of $8.00 is

collected besides $10 in fees paid to the American consul in obtaining a visé certificate; and all steerage passengers must undergo a physical examination and comply with various other regulations.

Our immigration laws exclude persons mentally defective, those likely to become public charges such as children without parents, persons with contagious diseases or physical defects, criminals, polygamists, anarchists, immoral women, laborers brought to this country by contractors, and aliens who are ineligible to citizenship. Aliens ineligible to citizenship are Orientals, including Chinese, Japanese, and East Indians. However, the following classes of Orientals, though ineligible to citizenship, are admitted to the United States: officials, temporary visitors for travel or trade, ministers and professors with their wives and children under 18 years of age, and students.

The Immigration Act of 1924 limits the number of aliens of any nationality who may be admitted to the United States in any fiscal year to 2% of the number of foreign-born persons of such nationality resident in the United States as determined by the 1890 census. This 2% limitation does not apply to officials, tourists, persons here temporarily for business or for trade under treaty rights, or persons eligible to citizenship born on the American continents, in Cuba, Haiti, or Santo Domingo; nor does it apply to Orientals, who are excluded.

After July 1, 1927, the maximum number of quota immigrants admitted to the United States annually will be limited to 150,000, and the annual quota of each nationality is to bear the same ratio to 150,000 as the number of inhabitants of the United States in 1920 having that national origin bears to the whole number of inhabitants other than Africans, Orientals, Indians, and immigrants from other American countries.

Persons eligible to citizenship born in America, *e.g.*, Canadians and Mexicans, may enter in addition to the 150,000.

Before the World War about a million immigrants arrived annually. During the fiscal year 1926 migration was as follows:

Countries	Inward	Outward	Increase
Canada	91,019	2,173	——
Germany	50,421	3,908	——
Mexico	43,316	3,198	——
Irish Free State	24,478	851	——
Scotland	13,661	1,332	——
England	10,599	4,921	——
Sweden	8,513	1,150	——
Italy	8,253	19,980	——
Poland	7,126	2,881	——
Norway	5,756	2,087	——
France	4,181	1,011	——
Czechoslovakia	2,953	2,301	——
Denmark	2,549	691	——
Switzerland	1,994	486	——
Other Countries	29,669	30,022	——
Total Immigrant Aliens	304,488	76,992	——
Nonimmigrant Aliens	191,618	150,763	——
U. S. Citizens	370,757	372,480	——
Total arriving	866,863	departing 600,235	266,628

111. Bureau of Naturalization. — In order that immigrants to this country may become citizens of the United States in the prescribed manner only, the Government maintains a bureau of naturalization. This bureau keeps records of immigrants and sees that they become naturalized according to law.

Whites and Africans may become naturalized in the following manner:[1] (1) The applicant for citizenship appears before a court of record (Federal or State) at least two years before admission to citizenship and declares on oath his or her intention to become a citizen and renounces allegiance to any other government. This application is recorded. (2) At least two years later the applicant appears in court, proves that he has

[1] Certain peoples have become naturalized *en masse:* inhabitants of Louisiana (1803) and of Alaska (1867) by treaty; those of Texas (1845) and of Hawaii (1898) by joint resolution of Congress; negroes (1868) by Amendment XIV; Porto Ricans (1917) and American Indians (1924) by Acts of Congress.

resided in the United States for five years, and in the State where he is appearing before the court for at least one year, and that he is a person of good moral character. (3) He must take an oath to support the Constitution of the United States and renounce allegiance to any foreign government. In case he has any title of nobility it must be renounced. These facts are

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FUTURE CITIZENS OF AMERICA.

Armenians rescued from Turkish massacres arriving at Ellis Island.

recorded by the clerk of the court and a certificate of naturalization is granted.[1]

[1] Until 1922 an American woman who married an alien lost her American citizenship, and an alien woman who married an American citizen thereby acquired American citizenship. The 1922 Act of Congress provides that an American woman does not lose her citizenship by marrying an alien who is eligible to American citizenship unless she makes a formal renunciation or resides two years in the country of her husband or five years continuously outside the United States.

On the other hand, by this law an alien woman must become naturalized

112. The Children's Bureau was organized in 1912, the first bureau to have a woman at its head. It has carried on investigations in birth rate, infant mortality, orphanage, juvenile courts, dangerous occupations, employment, diseases, and legislation affecting children. In the period from 1915 to 1921 there was a substantial reduction in the infant mortality rate in the United States, but five nations still had lower rates than America.

In 1921 Congress authorized an annual appropriation of $1,240,000 for a five-year period for the protection of maternity and infancy. This money is to be divided among the States accepting the Act as follows: $5,000 unmatched to each State, that is, if the State fails to raise an equal amount and an additional $5,000 to each State if matched, that is, if the State also appropriates $5,000; the balance to be allotted among the several States on the basis of population and granted if matched. For the administration of this fund the Chief of the Children's Bureau, the Surgeon-General of the United States Public Health Service, and the United States Commissioner of Education constitute the Board of Infancy and Infant Hygiene.

The Women's Bureau was established in 1920. Its functions are to formulate standards and policies to promote the welfare of wage-earning women, to improve their working conditions, increase their efficiency, and advance their opportunity for profitable employment.

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independently of her husband, but she need remain in the United States, Alaska, Hawaii, or Porto Rico only one year if her husband is a natural born or naturalized citizen, and she need not make a declaration of intention. An American woman who lost her citizenship before 1922 by marrying an alien eligible to American citizenship may in like manner regain her citizenship by residing here one year.

A child born outside of the United States but living here becomes entitled to American citizenship if its parent is naturalized during its minority. Children born abroad to citizens of the United States are American citizens, but must register their intention to remain such with an American consul when they arrive at the age of eighteen, and upon reaching the age of twenty-one must take the oath of allegiance to the United States.

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Annual Report of the Secretary of Commerce.
Annual Report of the Secretary of Labor.
Annual Report of the Commissioner of Education.
Bulletins of the Bureau of Education. A list of such bulletins can be obtained from the Commissioner of Education, Washington, D. C., and most of the bulletins will be furnished free.

Questions on the Text

1. When was the Department of the Interior created? What bureaus are under this department?

2. What are the duties of the General Land Office? The Geological Survey? The Reclamation Bureau? The Commissioner of Indian Affairs? The Bureau of Education? The Bureau of Patents? The Pension Office?

3. How may a patent be obtained?

4. Into what bureaus and divisions is the Agricultural Department divided?

5. What are the duties of the Bureau of Animal Industry? Bureau of Plant Industry? The Weather Bureau? Forest Service? The Entomology Division? Bureau of Chemistry?

6. Under what conditions is Federal aid for highways granted to the States?

7. What are the different bureaus of the Department of Commerce?

8. What functions are performed by the Census Bureau of the Department of Commerce?

9. What are the duties of the Secretary of Labor?

10. What are the duties of the Bureau of Immigration?

11. What tax is imposed upon immigrants entering the United States?

12. What classes of persons are excluded from the United States?

13. How many immigrants are admitted to the United States each year?

14. What persons may become naturalized? How?

15. What peoples have become naturalized *en masse?* By what methods?

16. Explain the Women's Citizenship Act of 1922.

17. What is the purpose of the Children's Bureau? Women's Bureau?

Questions for Discussion

1. If you desired to construct an electric power plant on a river, how would you learn how much power you could produce each month?

2. Could you profitably irrigate your farm, orchard, or garden?

3. For centuries it was believed that there was no practical limit to the number of fish in the lakes and bays. To-day countries find it necessary to restrict the catching of fish and to hatch fish to replenish the lakes and bays. If there were no governments to replenish this great source of food, could private individuals be depended upon to do it? Where can you get a supply of minnows for your lake or stream?

4. The editor of the Southern Planter says: "Continuous cropping has mined our soils of valuable chemicals, and that much of the exhausted soil in the East and South is due to the production of tobacco. At the present prices of fertilizer to farmers, one ton of tobacco takes from the soil and carries with it $150 worth of nitrogen, phosphoric acid, and potash. Not many years ago a ton of tobacco did not bring to the grower as much money as the actual plant food taken out of the soil would cost him in commercial fertilizer. Our annual exports of tobacco average 225,000 tons, representing $33,750,000 worth of plant food taken out of the country. Yet we grow more tobacco than all the other nations combined." Can you suggest any legal means of improving this uneconomic situation?

5. There are said to be 30,000 Chinese coolies in Cuba desiring to enter the United States. These people often pay from $500 to $1000 to be smuggled into the United States on some inaccessible coast between New Orleans and New York. Why are these people so desirous of entering the United States?

6. In 1923 when Isadora Duncan, a dancer, sailed from the United States, she told the reporters that she did not like the United States and took occasion to deride American institutions. She married a Russian just before the Women's Citizenship Act of 1922 was passed. The immigration authorities claim that her statements justify forbidding her return to America. Could her return be forbidden had she married the Russian subsequent to this Citizenship Act?

7. For the naturalization ceremonies the United States District Judge of Oregon held court upon the spacious stage of the Portland

Municipal Auditorium which was walled on all sides with immense American flags. Grouped near the flag-draped judge's bench were the new citizens of Portland and America, their families, city, county, and State officials, and representatives of various patriotic organizations. An immense interested audience interrupted the proceedings frequently with enthusiastic applause. Stirring patriotic addresses by a minister of the gospel and the mayor, welcoming hand-shaking, and blood-tingling strains of *The Star-Spangled Banner* helped to make real Americans of those who had once been subjects of kings. Does your community give this warm welcome to new Americans?

8. In many foreign countries an American patentee must continuously manufacture in that country or lose his patent rights. The consequence is that our inventors and manufacturers, in order to protect their inventions, have been driven to the establishment of a large number of factories abroad, whereas foreign patentees can use their patents in the United States to actually prevent manufacture here. What effect does protective tariff have upon this situation?

9. The protection given an inventor under our patent system is an incentive to further original efforts, it is an insurance to the manufacturer who makes new machines and spends money advertising them, and it brings secret ideas to light. The more ideas you get into the Patent Office Gazette (a weekly publication giving pictures of patents and trade marks and listing labels and prints), the more the public is stimulated to invention. It frequently happens that a patented idea which was foolish has germinated in the mind of another man and resulted in a great invention. Do you think of other arguments in favor of our patent system? Against it?

10. More than a million and a half patents have been granted by the United States. They are now being granted at the rate of about a thousand a week, of which only one per cent are secured by women. Why are so few patents obtained by women?

11. The following values have been claimed at different times for the following trade marks: Gold Dust Twins and Fairy Soap Girl, $10,000,000; Mennen's Talcum Powder, $10,000,000; Quaker Oats, $9,000,000; "Royal" for baking powder, $8,000,000. Which of the above values are partly due to cleverly devised trade marks? Which to advertising? Which to a consistently honest product over a long period?

CHAPTER XIII

BOARDS AND COMMISSIONS

113. Why Boards and Commissions Are Created. — In addition to the ten administrative departments, whose heads are members of the President's cabinet, various independent boards and commissions have been created to relieve the pressure of business on the President and Congress. Boards and commissions have been created instead of additional administrative departments (1) because the duties to be performed require experts whose terms of office should not depend upon the political fortune of the President, and (2) because their duties require the deliberation of a board rather than the opinion of one individual.

The following boards and commissions are discussed in the order in which they were created.

114. Commissioners for the District of Columbia. — The Constitution of the United States gives Congress power to exercise exclusive legislation over the District of Columbia in all cases whatsoever. Previous to 1874 Congress permitted the District to be governed by elective officials, elections being held there the same as in the States. Elections became so corrupt — a fact partly due to the vote of inexperienced negroes — that Congress abolished the council form of government and provided for its government by Congress and commissioners.[1]

Since 1874 the District has been administered by three commissioners, two of whom are appointed for terms of three years by the President and Senate of the United States, and one

[1] Since 1874 the inhabitants of the District of Columbia have been excluded from all suffrage, not even being permitted to vote for presidential electors. However, a large proportion of the population consists of government employees who may return to their home States to vote.

engineer detailed by the President from the United States army to serve for an indefinite period. Other officers are likewise appointed by the President. These three commissioners administer the municipal departments, such as schools, police, and public health. They recommend needed legislation, but Congress is the only legislative body of the District.

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MUNICIPAL BUILDING, WASHINGTON, D. C.

In this building the offices of the District of Columbia Government are located.

All bills relating to the governing of the District are considered by committees, usually by the House Committee and the Senate Committee on the District of Columbia, or by the House Committee and the Senate Committee on Appropriations. It is at public hearings of these committees that the people of the District make their wishes known. Congress appropriates 40 per cent of the expenses of the District from the Treasury of the United States on the assumption that about two fifths of the property

within the District belongs to the United States, but the other 60 per cent of the expenses is paid by taxing the inhabitants.

115. The Civil Service. — The Constitution of the United States provides that Congress may by law vest the appointment of such inferior officers as they think proper in the President alone, in the courts of law, or in the heads of departments. (See Sec. 64.) Congress vested the appointment of most inferior officers in the President or in the heads of departments. From the time of Andrew Jackson's administration until the past few decades, the President and heads of departments appointed members of their own political parties, giving little consideration to qualifications, and turning out of office those of the opposing party. This practice was known as the "spoils system."[1]

The Civil Service Act of 1883, subsequent laws of Congress, and executive orders of the President have gradually increased the number of persons securing permanent positions by competitive examinations, until at present about 365,000 employees of the government secure their appointments in this manner. A President may issue orders providing that certain classes of employees shall be appointed in accordance with civil service examinations. For instance, President Taft issued such an order covering all fourth-class postmasters, and Wilson extended it to first-, second-, and third-class postmasters.

The President can do this because the right to make appointments belongs either to him or else to the heads of departments, whom he can remove; hence they are practically compelled to make appointments according to civil service examinations if the President so orders. If a President should be opposed to the civil service plan he could revoke the orders of former Presidents and again bring most of the civil service positions under the spoils system.

[1] In 1832 when President Jackson was criticised for removing political opponents from office, William L. Marcy in defending the action of the President said, "to the victors belong the spoils of the enemy."

Even employees who have entered the government service by competitive examinations may be dismissed if unworthy. The Retirement Act of 1920 permits some to retire at the age of 62, some at 65, and some at 70, or sooner if totally disabled. The annual pension is a percentage of one's salary, and varies according to length of service. The minimum annual pension is $180, the maximum $720. The employee contributes 2.5 per cent of his salary to the pension fund, which is returned to him with interest if he leaves the service before the age of retirement.

116. The Civil Service Commission, which was created in 1883, consists of three commissioners appointed by the President and Senate, only two of whom may be of the same political party. The duty of this commission is to prepare examination questions for approximately five hundred kinds of positions, and to have examinations conducted at convenient places throughout the Union by government employees of the respective localities. The commission may refuse to examine or certify persons mentally unfit; or physically unfit (though consideration must be shown vocationally trained war veterans); or immoral, criminal, or dishonest persons; or drunkards; or those who practice any deception in connection with examinations.

When a Federal official has a vacancy to be filled, the commission sends him the names of at least three from the head of the register of eligibles. Military veterans have preference over all others, and an effort is made to distribute the appointments for offices in Washington City among the States in proportion to population. If the appointing officer thinks all of the persons certified by the commission are mentally, morally, or physically unfit for the position to be filled, he states the facts to the commission, and, if his position is sustained, additional names will be certified. An examining or appointing officer should give no weight to the recommendation of a congressman except as to the character or residence of the applicant.

A period of probation always precedes final appointment. No appointee may be required to contribute to a political fund

or to perform political services. The President of the United States may amend or make exceptions to the Civil Service Rules.

117. The Interstate Commerce Commission, created in 1887, consists of eleven members appointed by the President and the Senate. It has supervision over common carriers engaged in interstate commerce, such as railroads, or railroads and steamboats when both are used for a continuous shipment, express companies, sleeping-car companies, telegraph, cable, telephone, wireless-telegraph companies, and pipe lines carrying other commodities than water and gas.

This commission has such powers as the following:

(1) Sees that reasonable rates and fares are charged. A railroad is not allowed to give rebates or to charge more for a short than for a longer haul, except when the Commission considers competition to justify it.

(2) Regulates the issuance of capital stocks and bonds.

(3) Prevents discrimination among shippers and localities.

(4) May combine transportation lines or permit them to combine, which they could not do without permission because of the Anti-Trust Law.

(5) May prescribe an intra-state rate or fare whenever a State commission creates an unreasonable advantage for intra-state commerce as against inter-state commerce.

(6) May transfer cars or locomotives from one company to another in case of emergency.

(7) May route traffic over other lines if the one receiving it is unable to handle it.

(8) Administers a general railroad contingent fund. Inter-state railroads must pay into this fund 50 per cent of all profits in excess of 6 per cent. It is used to make loans to railroads, or to purchase equipment or facilities and lease them to the railroad companies.

The Board of Mediation (1926) consists of five members appointed by the President. It attempts conciliation or encourages arbitration between interstate carriers and employees when

their adjustment boards are unsuccessful. Finally, the President may appoint an emergency board to inform the public.

118. National Banks, the Federal Reserve Board, and the Federal Farm Loan Board. — *National Banks.* — With the approval of the Comptroller of the Currency any five or more persons may receive from him a charter of incorporation for a National bank if they can raise the required amount of capital. The minimum capital depends upon the size of the city and varies from $25,000 in places of less than 3000 inhabitants to $200,000 in cities of more than 50,000 inhabitants.

These banks receive deposits from individuals and corporations and lend money to individuals and corporations. They must be examined by a United States examiner at least twice a year, must make reports to the Comptroller of the Currency at least five times a year — whenever called for — and are required to keep as a reserve in lawful money a prescribed per cent in Federal Reserve banks.

Every National bank is a member of the Federal Reserve bank of the district in which it is located.[1]

Federal Reserve banks. — The United States is divided into twelve Federal Reserve districts, and there is one Federal Reserve bank located in the Federal Reserve city[2] of each district. These banks were created by Congress in 1913 to put more money into circulation when honest business men need it, and thus prevent "hard times" caused by a lack of money to carry on the business of the country. The Federal Reserve Board authorizes the issue of Federal Reserve notes[3] to the Federal Reserve banks, accepting as security certain notes, drafts, etc., which the Federal Reserve banks have rediscounted for the member banks. As additional

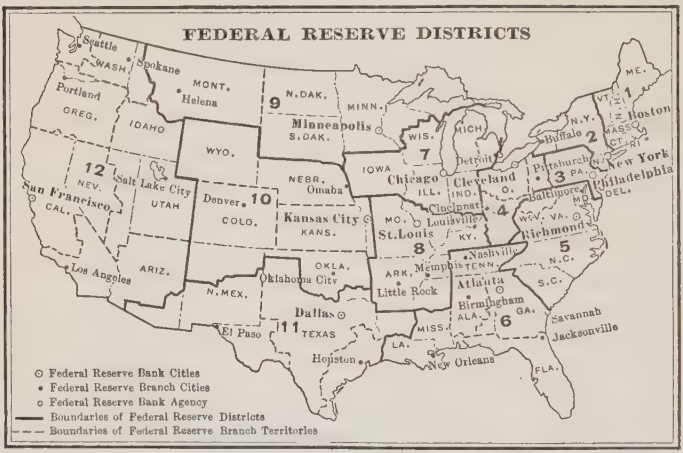
[1] State banks and trust companies may become members of a Federal Reserve bank if they conform to most of the regulations governing National banks.

[2] The twelve Federal Reserve cities are Boston, New York, Philadelphia, Cleveland, Richmond, Atlanta, Chicago, St. Louis, Minneapolis, Kansas City, Dallas, and San Francisco.

[3] See Sec. 80.

security the Federal Reserve banks must set aside an amount of gold equal to 40 per cent of the Federal Reserve notes issued.

A Federal Reserve bank must have at least $4,000,000 capital, and this capital must be subscribed by all member banks. Each reserve bank has a board of nine directors, of whom six are elected by the member banks, each bank having one vote, and three by the Federal Reserve Board. The officers of each reserve bank are chosen by the directors thereof.



The board of directors of each Federal Reserve bank elects from its own district one member of the Federal Advisory Council, a body composed of one member from each reserve bank, which meets in Washington at least four times a year to consult, advise, and question the Federal Reserve Board in regard to the business of the reserve banking system.

At the head of our Federal Reserve banking system is the Federal Reserve Board. This board was created in 1913 by the same act of Congress which provided for the Federal Reserve banks. It is composed of eight members, six of whom are appointed by the President and Senate for a term of ten years.

The Secretary of the Treasury and the Comptroller of the Currency are *ex officio* members, the Secretary of the Treasury being *ex officio* chairman of the board. The salary for each of the appointed members is $12,000 per annum and expenses, and the Comptroller of the Currency receives $7000 in addition to his salary as Comptroller.

The Federal Reserve Board has general supervision of our Federal Reserve banking system. For instance, it may examine any bank in the system; it regulates, through the Comptroller of the Currency, the issue and retirement of reserve notes, and determines the rate of interest which the member banks must pay the Federal Reserve banks for these notes; it suspends or removes Federal Reserve bank officers, taking possession of such bank if necessary; and it publishes a weekly statement of the reserve banks. This board has its offices in the Treasury Building at Washington.

Federal Land banks were created by Congress in 1916. The Federal Reserve system is of great service to the commercial class who constantly need short term loans. The farmer often needs a long term mortgage, and the Federal Land banks system gives him an opportunity to secure money on his most available asset — his land — just as the merchant or manufacturer is able through the Federal Reserve system to obtain money for short periods on paper based upon commercial transactions.

The United States is divided into twelve land bank districts[1] with a Federal Land bank located in each. These twelve banks are supervised by the Federal Farm Loan Board consisting of six members appointed by the President and Senate for terms of eight years and the Secretary of the Treasury, who is a

[1] 1. Me., N. H., Vt., Mass., R. I., Conn., N. Y., N. J. (Springfield). 2. Pa., Del., Md., Va., W. Va., D. C. (Baltimore). 3. N. C., S. C., Ga., Fla. (Columbia). 4. Tenn., Ky., Ind., O. (Louisville). 5. Ala., Miss., La. (N. Orleans). 6. Ill., Mo., Ark. (St. Louis). 7. Mich., Minn., Wis., N. D. (St. Paul). 8. Neb., S. D., Wy., Ia. (Omaha). 9. Okla., Kan., Col. N. M. (Wichita). 10. Tex. (Houston). 11. Cal., Nev., Utah, Ariz. (Berkeley). 12. Wash., Ore., Mont., Idaho (Spokane).

member and *ex-officio* chairman of the board. Each of the six members appointed receives an annual salary of $10,000.

These twelve banks will not, except in special cases, lend money directly to farmers; but there are three ways through which a farmer may borrow money by giving a first mortgage on his farm property. First, any ten owners and cultivators of farm land who desire to borrow at least $20,000 may form a National Farm Loan Association, and receive the amount desired from the land bank of their district through this agency. Second, the Federal Farm Loan Board may authorize Federal Land banks to make loans to farmers through local agents, such as State banks. Third, joint stock land banks may be created under the supervision of the Federal Farm Loan Board to lend money secured by first mortgages on farm lands.

The money to be lent to farmers is obtained principally from the sale of bonds which may not bear more than five per cent interest. The money thus obtained is lent through the above-mentioned agencies at a rate not to exceed six per cent.

Loans are made only for the purchase of land, for its improvement, or for purchase of live-stock, equipment, fertilizers, or to provide buildings on a farm, or to liquidate indebtedness existing when the first association was formed in the county where the land is located. No loan is made of more than $25,000 or less than $100. The loan itself is reduced by annual or semi-annual payments on the principal. No mortgage shall run for more than forty years, or less than five except by special arrangement.

Federal Intermediate Credits Banks. — Twelve Federal Intermediate Credits banks were created by the Agricultural Credit Act of 1923. These are located in the same cities as the Federal Land banks and the officers and directors of the Federal Land banks are *ex-officio* officers and directors of the Federal Intermediate Credits banks.

The powers of these Intermediate Credits banks include the discount and purchase of agricultural and live-stock paper for

and from banks, live-stock loan companies, agricultural credit corporations, other Federal Intermediate Credits banks, and various classes of farmers' coöperative associations. They may also make loans direct to such coöperative associations when the loans are secured by warehouse receipts or by mortgages on live-stock. The Secretary of the Treasury is authorized to subscribe to not exceeding $5,000,000 worth of capital stock in each of these banks.

The loans, advances, and discounts of Intermediate Credits banks must mature in a period of not less than six months or more than three years. Money had already been made available for farmers by the Federal Reserve system for a period of six months or less and by the Federal Land banks system for a period of five years or more; but the purpose of the Intermediate Credits banks is to give credit for the intermediate period between six months and five years to enable the farmer to hold his crops and sell them when prices are high.

119. The Federal Trade Commission. — In 1914 Congress created a Federal Trade Commission composed of five commissioners, who are appointed by the President and Senate. Not more than three of the commissioners may be of the same political party. The salary of each commissioner is $10,000 a year.

The powers of the commission are twofold. First, it is empowered to prevent persons, partnerships, or corporations, except banks and common carriers (*e.g.*, railroads),[1] from using unfair methods of competition in commerce among the States or with foreign nations. In performing this duty the commission has access to the books and documents of a commercial firm whenever there is reason to believe that such a concern is using unfair methods of competition. If any irregularity is discovered the commission may order the concern to cease using such unfair methods.

[1] Federal banks are under the control of the Federal Reserve Board and the Comptroller of the Currency. Common carriers are under the control of the Interstate Commerce Commission.

The second power of the commission is to gather and compile information from such commercial corporations as are under its control and require them to furnish the Commission with reports of their transactions. It makes special investigations for the Attorney-General, the President, or Congress, concerning violations of the anti-trust laws; it investigates trade conditions in and with foreign countries; and it submits to Congress recommendations for additional legislation.

The Clayton Anti-Trust Act. — The Federal Trade Commission is expressly given jurisdiction over violations of several sections of the Clayton Anti-Trust Act, which prohibit:

(1) Certain discriminations in prices between different purchasers of commodities where the effect of such discrimination may be to lessen competition substantially or tend to create a monopoly in any line of commerce.

(2) In certain cases, so-called " tying contracts," or contracts whereby, as a condition of sale or lease, the seller or lessor exacts from the purchaser or lessee an agreement that he shall not use or deal in the goods or other commodities of a competitor of the lessor or seller, where the effect of such agreement may be to lessen competition substantially or tend to create a monopoly in any line of commerce.

(3) In certain cases, so-called " holding companies," or the ownership by one company of the stock of another, where the effect may be to lessen competition substantially, to restrain commerce, or tend to create a monopoly.

(4) So-called " interlocking directorates " in cases where one person shall at the same time be a director in any two or more corporations engaged in interstate or foreign commerce (other than banks, banking associations, trust companies, and common carriers subject to the act to regulate commerce), if such corporations are or have been competitors, so that the elimination of competition by agreement between them would constitute a violation of any of the provisions of any of the anti-trust laws. (See Sec. 42.)

THE LEVIATHAN.

This vessel is owned by the United States and operated through the U. S. Shipping Board. Length, 950 feet. Gross tonnage, 59,957. Crew and passenger capacity. 5499.

Bed Room on the Leviathan.

View of the Lobby on Deck B" of the Leviathan.

120. The United States Shipping Board was created by Congress in 1916 and enlarged in 1920. It consists of seven commissioners appointed by the President and Senate for terms of six years, and not more than one may be appointed from the same State. Each receives a salary of $12,000 a year.

The duty of the Board is to promote a privately owned merchant marine that can be used as a naval or military auxiliary in time of war.

(1) It controls hundreds of cargo and a few passenger vessels built or acquired by our Government during the World War.

(2) It disposes of these vessels as soon as practicable, preference being given to American citizens.

(3) It determines what steamship lines should be established to develop our commerce and sells vessels under especially favorable conditions to American firms that agree to operate such lines; or, if necessary, it charters vessels to such concerns.

(4) It lends money for constructing vessels of special types needed for certain lines. This must not exceed two thirds the cost of such construction.

(5) It investigates water terminals, advises with communities regarding harbor, river, and port improvements, and brings to the attention of the Interstate Commerce Commission any detrimental rates or regulations of railroads that are injurious to water transportation.

(6) It reports to the Secretary of Commerce navigation companies that give rebates or unjustly discriminate among shippers or use a "fighting ship" (ship run at a loss to destroy a competitor). The Secretary then refuses such company the right of entry for its ships until the evil is corrected.

121. The United States Tariff Commission. — In 1916 the United States Tariff Commission was established by Congress. It is composed of six members, not more than three of whom shall be of the same political party, appointed by the President and Senate for terms of twelve years. Each member receives a salary of $7500 per annum.

The commission is given wide powers to investigate the administration and financial and industrial effects of the customs laws of the United States, various tariff relations between the United States and foreign countries, and international tariff agreements in Europe. This information is collected for the benefit of the President, the Ways and Means Committee of the

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THE LIBRARY OF CONGRESS, WASHINGTON, D. C.
It has the most beautiful interior of any American building.

House, and the Finance Committee of the Senate in order that Congress may legislate more wisely upon the tariff problem, and thus remove it as far as possible from politics.

Other Institutions Administered by Executive Officials. — The following institutions are administered by executive officials independently of the ten administrative departments or of the eight boards and commissions just described: Government Printing Office, Library of Congress,[1] Smithsonian Institution,

[1] Subordinate to the Librarian of Congress is the Register of Copyrights, whose office is in the Library of Congress building in Washington. When a

National Museum, Federal Board of Vocational Education (see Sec. 255), and the United States Veterans' Bureau.

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Questions on the Text

1. Why have boards and commissions been created independent of administrative departments?

2. By whom is the District of Columbia administered? Who legislates for the District? Do the inhabitants of the District have any right of suffrage?

3. About how many employees of the United States secure their employment through competitive examinations?

4. What is the *spoils system?*

5. When was the Civil Service Commission created? Composed of how many members? By whom appointed?

6. What are the duties of the Civil Service Commission? Through what local agents do they conduct examinations?

7. What are the more important Civil Service rules?

8. May civil service employees be dismissed?

9. When was the Interstate Commerce Commission created? Of how many members does it consist? By whom are they appointed? What are the duties of the Commission?

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10. When the Commission discovers that a corporation has violated a law to what United States officer is the fact reported?

11. When was the Federal Reserve Act passed? How many Federal Reserve banks are there? Where is the one nearest you?

12. When Federal Reserve banks lend money to member banks, what security must be given?

13. What banks are members of a Federal Reserve bank? How may a bank become a member?

14. When was the Federal Farm Loan Board created? How many Federal Land banks are there? How do they differ from the Federal Reserve banks? For what periods do they make loans?

15. Explain why the Federal Intermediate Credits banks were created.

16. What is the Federal Trade Commission? When was it created? Of how many members is it composed? By whom are they appointed? What are the duties of the Commission? What restrictions are provided by the Clayton Act?

17. What are the duties of the United States Shipping Board?

18. What are the duties of the United States Tariff Commission?

19. Name some institutions administered independently of the administrative departments, boards, and commissions just described.

20. How may a copyright be obtained?

Questions for Discussion

1. The District of Columbia is perhaps the only civilized capital in the world whose inhabitants have absolutely no rights of suffrage, yet Washington is well governed. Do you consider that Congress acted wisely in depriving the inhabitants of suffrage?

2. In our Civil Service should promotion be based upon length of service, efficiency of service, or examination?

3. Each State has a commission to regulate railroads within its own borders. The Interstate Commerce Commission regulates railroads extending from one State into another. Would you favor the control of all railroads by the Interstate Commerce Commission alone?

4. Of what Federal Reserve bank are the National banks in your town members?

5. How will the Federal Reserve Act of 1913 prevent "panics" like that of 1907, which resulted from a scarcity or rather hoarding of money?

6. How much money would be necessary to establish a member National bank in your town or city?

7. If a man borrows money through the Federal Land banks he pays 5½ per cent interest, and by adding 1 per cent each year and paying

6½ per cent the debt will be wiped out in approximately 33 years. Suppose he had borrowed his money from an individual at 6½ per cent, what would be the status of the debt at the end of 33 years if he should pay the same amount each year that he pays the Federal Land banks?

8. Among the numerous methods of competition thus far condemned by the Federal Trade Commission are the following:

Misbranding fabrics and other commodities respecting the materials of which they are composed, their quality, origin, or source.

The payment of bonuses by manufacturers to salesmen of jobbers and retailers to procure their special services in selling their goods.

The use of false or misleading advertisements.

Passing off products of one manufacturer for those of another by imitation of products.

Selling rebuilt machines as new.

Making false statements regarding competitors' products.

Selling goods at cost to embarrass small competitors.

Bidding up price of raw products to a point where business is unprofitable for the purpose of driving out financially weak competitors.

Explain why each of these methods was forbidden. Do you think they should be forbidden by every State for local business firms as well as those engaged in interstate commerce?

9. In order to determine what effect the attempt of the British Government to produce cotton within the British Empire would have upon the cotton industry of the United States, the U. S. Senate ordered an investigation. It is the duty of what commission to make such an investigation?

10. Whenever the President finds that the duties fixed in the Tariff Act do not equalize the differences in cost of production in the United States and the principal competing country, he may increase or decrease the duties sufficiently to equalize the cost of producing the articles in this country. Acting under this power, the President, by proclamation, in 1924 increased the duty on wheat imported from Canada from 30 to 42 cents a bushel. Do you approve of the exercise of this power by the President? It was the duty of what commission to investigate the difference in cost?

11. If a foreign country discriminates against the commerce of the United States, the President may, by proclamation, increase our customs duties upon their commodities as much as fifty per cent. If they continue to discriminate, he may exclude these articles. Give arguments for and against this power.

CHAPTER XIV

THE JUDICIAL DEPARTMENT

122. The System of Federal Courts. — The Constitution declares that the judicial power of the United States shall be vested in one Supreme Court and in such inferior courts as Congress may from time to time ordain and establish. Congress has established, and later abolished, various inferior courts, but at present the following Federal courts exist:

Regular Courts

One Supreme Court
Nine Circuit Courts of Appeals
One hundred and twenty-three District Courts (81 districts)

Special Courts

One Court of Claims
One Customs Court
One Court of Customs Appeals

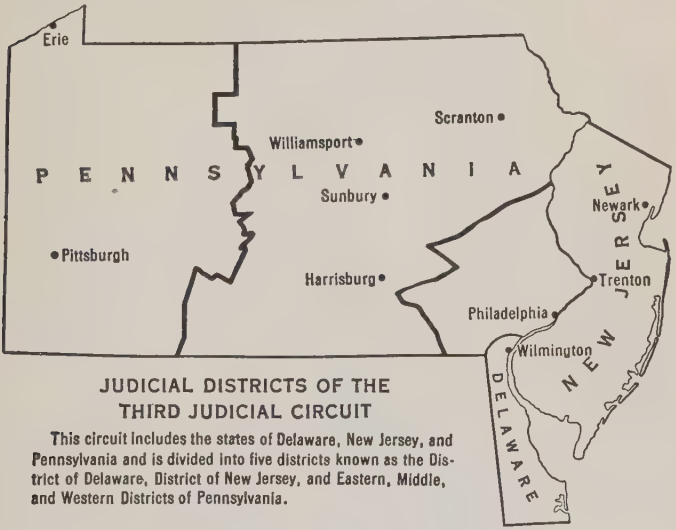
The Jurisdiction[1] *of Federal Courts.* — Cases are tried by Federal courts either because of the character of the subject matter of the suit or because of the character of the parties to the suit. Depending upon the subject matter of the suit, the following cases may be tried in Federal courts: (1) cases in law or equity[2] arising under the Constitution or statutes of the United States, or treaties made under their authority; (2) cases of admiralty and maritime[3] jurisdiction. Depending upon the

[1] Jurisdiction means the legal right to hear and determine cases. A court is said to have jurisdiction over those cases which it has authority to try.

[2] For meaning of "equity," see Sec. 182, note.

[3] For meaning of "admiralty and maritime," see U. S. Constitution, Art. III, Sec. 2, note.

parties to the suit, the following cases may be tried in Federal courts: (1) cases affecting ambassadors, other public ministers, and consuls; (2) controversies to which the United States is a party; (3) controversies between two or more States; (4) controversies between a State and citizens of another State;[1]



JUDICIAL DISTRICTS OF THE THIRD JUDICIAL CIRCUIT

This circuit includes the states of Delaware, New Jersey, and Pennsylvania and is divided into five districts known as the District of Delaware, District of New Jersey, and Eastern, Middle, and Western Districts of Pennsylvania.

(5) controversies between citizens of different States; (6) controversies between a State, or citizens thereof, and foreign states, citizens, or subjects.

123. Regular Courts. — In order to show the proper relation of the different regular courts and how cases may be appealed from the lowest to the highest, the District Courts will be discussed first, the Circuit Courts of Appeals second, and third the

[1] In 1793, in the case of Chisholm *vs.* Georgia, the Supreme Court construed this passage to mean that an individual may sue a State without the consent of the latter. The States had not so understood this clause, and immediately the eleventh amendment was added to the Constitution, which provides that a State may not be sued in a Federal court by citizens of another State. However, a State may still bring suit in a Federal court against a citizen of another State or against an alien.

Supreme Court, which is the highest court, or the court of final jurisdiction.

The District Courts. — The lowest regular Federal courts are known as District Courts. There are eighty-one districts in forty-eight States, each State forming at least one district.[1] As a rule there is one judge for each district, but in several States where there are few Federal cases to be tried there is but one judge for two districts, whereas many important districts require more than one judge each.[2] There are one hundred and twenty-three judges for eighty-one districts; and inasmuch as district court cases are conducted by a single judge, several cases can be heard at the same time where there are several judges for one district.

A District Court has original jurisdiction[3] of all cases which come under the jurisdiction of the Federal courts,[4] except cases to which a State is a party, suits involving representatives of

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[1] Pennsylvania, for example, forms three districts — Eastern, Middle, and Western. The three judges of the Eastern District hold court in Philadelphia; the one of the Middle District holds court at Harrisburg, Sunbury, Williamsport, and Scranton; and the three of the Western District hold court at Pittsburgh and at Erie.

[2] The Northern and Southern districts of Mississippi have but one judge, whereas the Southern District of New York has six judges.

[3] By "original jurisdiction" of a District Court is meant that a case is first brought in that court.

[4] The District Court has jurisdiction of (1) all civil suits brought by the United States or one of its officers authorized to sue; (2) cases arising under the Constitution, statutes, or treaties of the United States where the sum or value in controversy exceeds $3000; (3) cases between citizens of different States, or between a citizen of a State and a foreign state or citizen thereof, where the sum or value in controversy exceeds $3000; (4) all crimes and offences recognized by the laws of the United States; (5) admiralty and maritime cases; (6) revenue cases, except tariff classifications which come before the Court of Customs Appeals; (7) postal cases; (8) all suits arising under the patent, copyright, and trade-mark laws; (9) suits arising under the Federal laws regulating commerce; (10) damage suits brought by an officer against a person injuring him while protecting or collecting revenues of the United States; (11) suits against consuls and vice-consuls; (12) proceedings in bankruptcy; (13) claims not exceeding $10,000 against the United States (concurrent jurisdiction with Court of Claims); (14) immi-

foreign governments, customs cases, and claims against the United States. In most cases appeals may be taken from the decision of a District Court to a Circuit Court of Appeals, but in a few cases they may be taken directly to the Supreme Court.[1]

The Circuit Courts of Appeals. — In 1891 there were nine Circuit Courts of Appeals[2] established to relieve the Supreme Court of a large class of cases appealed from the District Courts.[3] These cases had become too numerous for one court to hear, and as a result the Supreme Court was then about three years in arrears with its business.

The judges for each Circuit Court of Appeals include one justice of the Supreme Court assigned to the circuit, three or four circuit judges appointed for the circuit, and all the district judges within the circuit. The Supreme Court justice supervises his circuit, but seldom finds time to sit in the court. Normally the court is held by three regular circuit judges, but any district judge within the circuit may be assigned to sit on any case except those which have been appealed from his own district.

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gration and contract labor cases; (15) suits against monopolies (trusts); (16) suits brought by any person to redress the deprivation of any right, privilege, or immunity secured by the Constitution or statutes of the United States. But note that if the sum or value involved in cases enumerated under (2) and (3) is less than $3000 the action must be brought in a State court.

[1] The 1925 Amendment to the Judicial Code permits appeals directly from the District Court to the Supreme Court in the following cases only:

(1) Anti-trust cases prosecuted by the United States.

(2) Certain criminal cases where indictment depends upon the validity or construction of a statute, the United States may appeal.

(3) Injunctions forbidding the enforcement of

a. State statutes upon the ground of unconstitutionality.

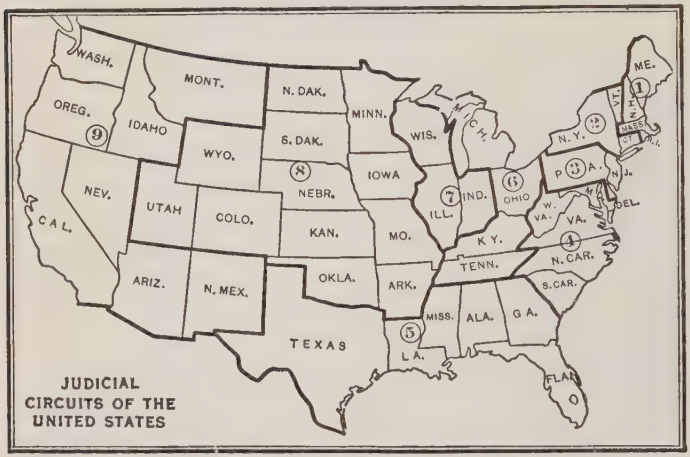
b. Orders of the Interstate Commerce Commission.

c. Provisions of 1921 Stock Yard Act by the Secretary of Agriculture.

[2] Previous to the establishment of the Circuit Courts of Appeals there existed nine Circuit Courts, but these courts have since been abolished (1911) and their jurisdiction transferred to the District Courts and to the Court of Customs Appeals.

[3] The First Circuit comprises Rhode Island, Massachusetts, New Hampshire, and Maine. The judges hold court at least once a year at Boston.

These Circuit Courts of Appeals have no original jurisdiction, but hear all cases appealed from the District Courts except the special classes of cases which may be appealed directly to the Supreme Court of the United States. These courts have final jurisdiction in some classes of cases, while in others appeals may be taken to the Supreme Court of the United States.



The Supreme Court is composed of one Chief Justice and eight associate justices. It sits in the Capitol at Washington from October to May of each year. Its most important duty is to give final interpretation to the Constitution. Whenever anyone whose rights are legally involved thinks a clause of the Constitution has been violated by a law of Congress, a treaty, a provision of a State constitution, or a State statute, he may raise the question in any State or Federal Court from the local justice of the peace to the highest judge, and in important cases may obtain the final opinion of the Supreme Court.

The Supreme Court has both original and appellate jurisdiction. Suits brought by a State and cases in which ambassadors, other public ministers, and consuls are parties originate in this

court. Other cases, in accordance with the 1925 Amendment to the Judicial Code, are brought to the Supreme Court from other courts only with its consent, except specific cases which may be appealed directly from a District Court,[1] from the highest State court,[2] and from a Circuit Court of Appeals.[3] In the Supreme Court cases are decided by a majority vote.

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THE UNITED STATES SUPREME COURT ROOM.

This view shows the court attendants, counsel, and visitors awaiting the arrival of the judges.

Concurrent Jurisdiction. — Congress gives Federal and State courts concurrent jurisdiction in many cases, that is, it permits certain cases to be tried either in a Federal court or in a State

[1] See page 223, note 1, for such cases.

[2] Cases (*a*) where the highest State court declares a treaty or Federal statute unconstitutional;

(*b*) where a State statute upheld by the highest State court is still claimed to be unconstitutional by the aggrieved party.

[3] A person relying on a State statute may appeal from a Circuit Court of Appeals if it declares a State statute unconstitutional.

court. Often a Federal question and a State question are included in the same controversy. Owing to the difficulty and expense of dividing a case for separate trials in different courts, both State and Federal questions are decided in the Federal court, or in some cases both questions may be tried in a State court. But if a plaintiff[1] brings a suit in a State court, over which the United States District Courts are given jurisdiction, the defendant[2] may have it transferred to the District Court.

124. Special Courts. — There are three special Federal courts: the Court of Claims, the Customs Court, and the Court of Customs Appeals. The first was established as a sort of investigating commission to advise Congress concerning claims against the United States government, and the other two were established to insure a uniform interpretation of technical tariff laws.

The Court of Claims, established in 1855, consists of five judges who sit in Washington. It is a well-established principle of public law that a sovereign state cannot be sued against its will, and before the establishment of this court a person having claims against the United States government could get no redress except by an act of Congress.

Now the government allows itself to be sued in this court on all claims, except pensions and certain "war claims," founded upon the Constitution of the United States or any laws of Congress, or upon any regulation of an administrative department, or upon any contract, expressed or implied, with the government of the United States, but it will not permit itself to be sued for the wrongful acts of its officers.

The awards of this court, unlike those of all other courts, cannot be paid until Congress appropriates the money to pay them. Upon the first day of each regular session of Congress the findings of the court for the year are sent to

[1] A "plaintiff" is the person who commences a suit in law against another.

[2] A "defendant" is a person accused or summoned into court who defends himself against the charge.

Congress, and the money is appropriated almost as a matter of course.

The attorneys of the United States may appeal any case decided against the government from this court to the Supreme Court, and the plaintiff may appeal if the amount in controversy exceeds $3000.

Congress or any administrative department may refer claims to this court. The court will investigate the claims and report to Congress or to the department whether they ought to be paid. For instance, Congress will refer " war claims " which cannot be sued for in the courts; or a department will wish an opinion of the court which will enable it to settle claims in a practical and amicable way without the necessity of suit. No Federal court other than the Court of Claims will give an opinion unless suit is actually brought.

The Court of Customs is the name applied by Congress in 1926 to the former Board of General Appraisers. The nine judges, who sit in divisions at the principal ports of entry, hear appeals from appraisers and collectors of customs affecting the valuation and classification of merchandise.

The Court of Customs Appeals consists of five judges. Its headquarters are in Washington but most of its cases are heard in New York City. It hears appeals from the Court of Customs, and has such questions as the following to decide: Does the term " Corinthian Currants " mean currants grown and cured in the locality of Corinth, or does it mean all currants like those grown there? This is important, because upon " Corinthian Currants " is paid a different tariff duty from that paid upon other currants. Also, does " manufactured furs " include fur skins whose holes have been sewed? This was decided affirmatively, hence the same rate had to be paid upon them as upon furs manufactured into garments. Upon these matters the decisions of this court are final. If a constitutional question is raised an appeal may be taken directly to the Supreme Court.

125. Judges. — All Federal judges are appointed by the President of the United States and confirmed by the Senate. The salaries of these judges vary from $6000 to $15,000 a year, and they hold their office during good behavior,[1] which means that they cannot be removed except through impeachment by Congress. However, removal by impeachment has occurred only three times.[2]

At the age of seventy any Federal judge may retire on full salary, provided he has served for ten years.

As all Federal courts, except the Supreme Court, are mere creations of Congress, they may be abolished by Congress at any time. In 1911 nine Circuit Courts were abolished but the judges were retained for service in the Circuit Courts of Appeals, the Court of Customs Appeals, and the Commerce Court. In 1913 the Commerce Court, which had been created a few years before, was abolished, but its judges were made "circuit" judges of the Circuit Courts of Appeals.[3]

In September of each year the Chief Justice of the Supreme Court summons the senior circuit judge of each of the nine circuits to Washington for an annual conference. Preparatory to this conference the district judge of each district[4] submits a report to the senior circuit judge in August setting forth the

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[1] Judges for the territories and island possessions are appointed for only four or six years.

[2] Judge Pickering of the District Court for New Hampshire was removed for drunkenness in 1803; Judge Humphreys of a Tennessee District Court for disloyalty in 1862; and Judge Archbald of the Commerce Court, for improper business relations with persons having cases in court in 1913. Three other judges have been impeached by the House but acquitted by the Senate, the most famous one of whom was Associate Justice Chase of the Supreme Court, who was accused of expressing himself too freely in regard to politics.

[3] Inasmuch as Federal judges are appointed to hold their offices during good behavior, President Wilson felt that judges could not be deprived of office by the abolition of a certain court, but should be transferred to other courts.

[4] The senior district judge makes this report in districts with more than one district judge.

number and character of cases on the docket. The conference makes a careful survey of the condition of the business of the court and prepares for the temporary transfer of judges to circuits and districts where the condition of business indicates the greatest need. The senior circuit judge may temporarily transfer a district judge from one district to another within his circuit, and the Chief Justice of the Supreme Court may temporarily transfer a district judge to a district of another circuit.

126. Court Officials. — *District Attorneys* are appointed by the President and Senate for a term of four years. There is usually one attorney for each judicial district. It is the attorney's duty to bring suit against all persons violating the Federal laws within the district, and to prosecute them — in short, to represent the Federal government in any case arising within the district to which the government is a party.

In addition to these district attorneys there are numerous attorneys assigned to special classes of cases — *e.g.*, anti-trust, claims, and customs.

United States Marshals are appointed in the same manner as the district attorneys, one for each district. It is the marshal's[1] duty to make arrests and execute various court orders. If he meets with resistance in the performance of his duties, he may call upon the citizens for assistance; and if necessary, the President will send United States troops to assist him.

In the appointment of district attorneys and marshals the President consults with the Attorney-General, as the latter officer exercises general supervision over them.

Clerks are appointed by the courts, each court appointing one. The clerk has custody of the seal of the court and keeps a record of its proceedings, orders, judgments, etc.

District Court Commissioners are appointed in sufficient number by each district court. A commissioner issues warrants of arrest on criminal proceedings, takes bail, and inquires

[1] A United States marshal bears the same relation to the Federal court that a sheriff bears to the State court.

whether there is probable cause to hold the accused to answer to the charge in court.[1]

Name	Established	Number of Courts	Number of Judges	Term of Judges	Judges Appointed by	Salary of Judges
District Court (81 districts)	1789	123	123	Life	President and Senate	$7,500
Circuit Court of Appeals	1891	9	34	"	"	8,500
Supreme Court	1789	1	9	"	"	14,500[2]
Court of Claims	1855	1	5	"	"	7,500[2]
Court of Customs Appeals	1909	1	5	"	"	8,500
Customs Court	1926	1	9	"	"	9,000

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Questions on the Text

1. Name the regular courts of the United States. The special courts.

2. The Federal courts have jurisdiction of what two classes of cases because of the character of the subject matter? Of what six classes because of the character of the parties?

3. How many District Judges are there and how many districts?

4. The District Courts have jurisdiction of what kind of cases?

5. To what higher courts may appeals be taken from the District Courts?

6. How many Circuit Courts of Appeals are there? Who supervises each of the circuits?

7. How many judges has each of the Circuit Courts of Appeals?

[1] A Federal district court commissioner discharges for the United States government such functions as are performed for a State government by a justice of the peace.

[2] The Chief Justice receives $500 extra.

8. From what court are cases appealed to the Circuit Courts of Appeals? To what court are certain cases appealed from them?

9. Of how many judges does the Supreme Court of the United States consist? When and where does the court sit?

10. From what courts are cases appealed to the Supreme Court of the United States?

11. In what two classes of cases does the Supreme Court have original jurisdiction?

12. May a question involving the interpretation of the Constitution of the United States be taken to the Supreme Court?

13. Of how many judges does the Court of Claims consist? What cases are decided by this court? In what respect does the Court of Claims differ from all other courts?

14. Of how many judges does the Court of Customs Appeals consist? Where does it sit? Of what cases does it have jurisdiction?

15. Who appoints all Federal judges? For what term? How may they be removed? Under what condition may they retire on full salary?

16. May Congress abolish Federal courts?

17. What is the duty of district attorneys? By whom are they appointed?

18. What is the duty of the United States marshals?

19. What is the duty of court clerks? By whom are they appointed?

20. What are the duties of district court commissioners? By whom are they appointed?

Questions for Discussion

1. A woman attempted to pass a fifty-dollar note at Gimbel's store in New York City, but the clerk detected something peculiar about it. The floor detective discovered it to be a twenty-dollar bill with each figure two changed to five. The woman was arrested on the charge of attempting to pass counterfeit money. She was believed to be a "shover" for a band of counterfeiters. In what court was she tried?

2. At a "port of entry" along the Canadian border frog legs were appraised as dressed poultry, there being a tariff duty on poultry but not on frogs. Naturally the importer was dissatisfied with the decision of the appraiser. To what court could he carry the case?

3. The penalty for defacing a letter box is a fine not exceeding one thousand dollars or imprisonment for not more than three years, or both. In what court would a party accused of this offence be tried?

4. If Virginia should pass a law prohibiting farm hands from working more than six hours a day, the law would be unconstitutional. However,

if a sheriff or constable should arrest a farmer for violating the State law and bring him before a justice of the peace for trial, he could claim that the law is unreasonable and contrary to the fourteenth amendment of the Constitution of the United States. If the lower courts should decide against the contention how high could the farmer appeal the case?

5. In 1913 the legislature of California passed the alien land bill, which provided that only those persons eligible to citizenship might own land in that State. Japan claimed that this provision violated a treaty between the United States and Japan. President Wilson suggested that Japan sue the State of California. If the treaty was violated the California law was void, as a treaty is part of the supreme law of the land. In what court could the state of Japan bring suit?

6. When the Chicago Canal was dug, connecting Lake Michigan with the Illinois River, the sewage of Chicago was emptied into this Canal. The outlet of the Canal is through the Illinois River into the Mississippi. St. Louis obtains its drinking water from the Mississippi; hence the State of Missouri sued the State of Illinois, demanding that Chicago be prohibited from polluting the accustomed supply of water of St. Louis. The counsel for Illinois had several hundred barrels of harmless bacteria emptied into the stream at Chicago and found that none survived until the water reached St. Louis. In what court did Missouri lose the suit?

7. The United States built a dam across a river in South Carolina to aid navigation, and thereby destroyed the value of rice lands. Mr. Hayward, the owner, claimed damages and won the suit. In what court?

8. During the Civil War some colored Union soldiers destroyed a home in Alabama which they had been sent to protect. After the war a congressman from Alabama asked Congress to pay the owner for the loss of his property. Congress referred the matter to the proper court, which decided that there was no legal claim against the United States, only against the soldiers, but recommended the appropriation of $17,500 as an honorable obligation upon the principles of right and justice. To what court was the matter referred?

9. Referring to the Supreme Court, Mr. Coolidge said: "If its authority should be broken down and its powers lodged with the Congress, every minority body that may be weak in resources or unpopular in the public estimation, also nearly every race and religious belief, would find themselves practically without protection." Give illustrations of this fact. (See Sec. 128 of this text and Question 10, Chapter XV.)

CHAPTER XV

CIVIL RIGHTS

127. Civil Rights Defined. — The civil rights of an individual are all the legal rights he has except the right to vote and to hold office, which two rights are known as political rights. An individual has a right to do anything which is not prohibited by the laws of the land; but inasmuch as the laws of the land are continually changing, the individual's rights are also continually changing.

However, there has always existed a feeling that one should not be deprived of certain rights without exceptional consideration. These more precious rights are listed in the Constitution of the United States and in the constitutions of the States, and are therefore beyond the control of Congress and the State legislatures. (See Sec. 159.)

128. Civil Rights Beyond the Control of Congress and the States. — The Constitution of the United States provides that neither the United States nor the States may

(1) Deprive any person of the right to be free. (Amendment XIII.)

(2) Punish any person by a bill of attainder or *ex post facto* law. (Art. I, Secs. 9 and 10.) A *bill of attainder* is a legislative act which inflicts punishment without a judicial trial. An *ex post facto* law is a law that makes criminal an act which was innocent when done, or operates to the detriment of one accused of a crime committed prior to the enactment of such law. It applies to criminal cases only.

(3) Deprive any person of life, liberty,[1] or property,[2] without due process of law. (Amendments V and XIV.) *Due process of law* means a legal procedure which hears before it condemns and which renders judgment only after a fair trial. For instance, to deprive a person of his life, liberty, or property without giving him and his witnesses a chance to testify in court would be to deprive him of his life, liberty, or property without due process of law, hence deprive him of his constitutional rights.

Due process of law also means *reasonable law*. Therefore, if Congress or a State legislature enacts a law which, in the opinion of the United States Supreme Court, deprives a person of his life, liberty, or property unreasonably, such a law cannot be enforced.

It is impossible for the court to enumerate all laws which it would declare reasonable, because what is reasonable under one set of circumstances may be unreasonable under another. This can be illustrated by the three following decisions of the Supreme Court of the United States:

(1) It is reasonable for Utah to prohibit the employment of coal miners more than eight hours a day, because working long hours in mines is injurious to health.

(2) It is reasonable for Oregon to prohibit the employment of women in factories or laundries more than ten hours a day, because woman is the mother of the family and the general welfare of the race depends in an especial manner upon her physical condition.

(3) It is unreasonable for New York to restrict bakers to a ten-hour working day, because the court does not consider working in a bakery to be especially injurious to the health; hence it is unreasonable to interfere with the baker's liberty to contract with his employer to work a greater number of hours.

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[1] *Liberty* means not only the right of freedom from imprisonment, but the right of one to use his faculties in all lawful ways, and to pursue any lawful trade or diversion.

[2] *Property* means more than mere physical property. It includes stocks, bonds, good-will, professional knowledge, and the income therefrom.

In other words, a person has a right to enter into any contracts which are consistent with the general welfare. To deprive him of this is to deprive him of his liberty unreasonably, hence contrary to the rights guaranteed in the fifth and the fourteenth amendments.

By going through the decisions of the Supreme Court interpreting the fifth or fourteenth amendment[1] we can get some idea as to whether or not the court will consider that a certain law deprives one unreasonably of life, liberty, or property; but we cannot be certain that an Act passed by Congress or a State legislature is a good, valid law until the Supreme Court of the United States has upheld the law after hearing an actual case in which the constitutionality of the law was questioned.[2]

129. Civil Rights beyond the Control of Congress. — The first ten amendments to the Constitution of the United States are

[1] A few years ago a count was made of the Supreme Court decisions interpreting the "due process clause" of the fourteenth amendment for a period of ten years. The court was found to have made nearly four hundred of such decisions. Fifty of these decisions declared State laws unconstitutional. For example, a State legislature enacted a law requiring railroads to carry passengers within the State at two cents a mile. The railroads showed that they would lose money carrying passengers at this rate, and the Supreme Court declared the law unconstitutional because its enforcement would be taking property unreasonably — "without due process of law."

Among the other three hundred and fifty laws which were tested in the Supreme Court but held to be constitutional were the following: (1) A Boston ordinance prohibiting the holding of meetings on the Boston Common. (2) A woman was denied the privilege of practising law in Virginia courts because of her sex. (3) Tennessee prohibited the sale of cigarettes. (4) A Boston ordinance restricted the height of buildings. (5) Texas compelled railroads to cut wild (Johnson) grass from their right of way. (6) Massachusetts compelled people to be vaccinated.

[2] A Federal court will not tell one whether a certain Act will be lawful. It never acts until an individual or corporation accuses another of breaking the law and brings an actual case for its decision. This practice is necessary for two reasons: First, a judge could not possibly foresee all of the effects of a certain legislative act. Second, when an actual case comes to court, attorneys collect the law and arguments for each side of the contention and the judge acts somewhat as a referee. If the judge did not have these arguments collected for him it would be necessary for him to investigate the law as well as decide it, and for this he has not the time.

known as the Bill of Rights because they contain so many guarantees of liberty that are set forth in the English Bill of Rights.[1] These amendments restrict Congress alone. This fact cannot be too strongly emphasized, because most people think that these restrictions apply to the States as well as to the United States. Congress may not take away any of the liberties set forth in these amendments, but through legislation the States may deprive their citizens of many of these liberties without violating the Constitution of the United States.

130. Civil Rights beyond the Control of States. — The Constitution of the United States places upon the States three important restrictions involving civil rights which it does not place upon Congress.

(1) *No State may pass any law impairing the obligation of contracts.* (Art. I, Sec. 10.) This restriction means that a law enacted after a lawful contract has been made shall not affect the provisions of such contract. For example, Crowninshield of New York gave his note to Sturges of the same State on March 22, 1811. Shortly thereafter the State of New York passed a bankruptcy law[2] under which Crowninshield became a bankrupt. Paying Sturges a certain per cent of the debt, Crowninshield claimed that he was exempt from payment of the remainder. Application of this bankruptcy law of New York State to debts contracted before its passage was declared unconstitutional by the Supreme Court of the United States as impairing obligations of contract.

(2) *No State may make anything but gold and silver coin a tender in payment of debts.* (Art. I, Sec. 10.) This restriction means that no State may enact a law requiring a creditor to accept anything but gold or silver when tendered in payment of a debt.

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[1] The English Bill of Rights is an Act of Parliament enumerating various liberties guaranteed to the subjects to which King William assented in 1688.

[2] For meaning of "bankruptcy law" see U. S. Constitution, Art. I, Sec. 8, note.

(3) *No State may deny to any person within its jurisdiction the equal protection of its laws.*[1] (Amendment XIV.) This means that no State may enact laws which discriminate unreasonably between persons or classes of persons. For instance, Illinois could not prohibit all combinations to fix prices or restrict competition "except farmers and stock raisers." A State could not require railroads "alone" to pay court costs when defeated in a suit. In 1914 Arizona provided that any company or individual that employs more than five persons must employ not less than 80 per cent qualified voters or native-born citizens of the United States. This law was declared unconstitutional because its enforcement would have discriminated against aliens and thus would have deprived them of the equal protection of the State's laws.

131. Civil Rights beyond the Control of State Legislatures. — Each State constitution contains a Bill of Rights placing restrictions upon the State legislature just as the Bill of Rights in the Constitution of the United States places restrictions upon Congress. The Bills of Rights of State constitutions contain such provisions as the following: guarantee of trial by jury, religious freedom, freedom of the press, writ of habeas corpus; prohibition of excessive bail, excessive fines, cruel and unusual punishment; and the guarantee that no person shall be deprived of life, liberty, or property without due process of law.

132. Religious Liberty. — Congress may not make any law respecting the establishment of a religion, nor may it interfere with the freedom of religious worship. (Amendment I.) The Constitution of Virginia provides that "all men are equally entitled to the free exercise of religion, according to the dictates of conscience." (Art. I, Sec. 16.) However, if any of the

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[1] Though this *equal protection of the laws* clause is a restriction upon the States only, a law of Congress depriving persons of equal protection might be declared unconstitutional as being in conflict with Amendment V, which prohibits Congress from depriving any person of life, liberty, or property without due process of law.

various denominations have special peculiar religious observances which form a part of their beliefs, they are expected to make these conform to the general laws of the land. A person may believe whatever he pleases, but he must not, in the name of religious liberty, violate a statute enacted for the general welfare of society.

133. The Freedom of Speech and of the Press. — Congress can make no law abridging the freedom of speech and of the press (Amendment I); and the Constitution of Virginia provides that "any citizen may freely speak, write, and publish his sentiments on all subjects, being responsible for the use of that right." (Art. I, Sec. 12.)

A person has the right to speak or publish what he chooses so long as he does not violate a statute law, injure some one's reputation or business, violate public morality, or create a disturbance calculated to result in bodily injury. Officers of government and candidates for office may be criticised if the critic speaks of what he knows or believes, has only the public interest in view, and speaks without malice.

To illustrate, if John Smith is a candidate for the city treasurership one could publish the fact that he had stolen city funds in New York back in the sixties when the Tweed Ring governed the city. But publishing the same fact against Smith simply because one dislikes him would make such person subject to damage suit; or, if the publication results in a feud or a breach of the peace, such publication is also a crime [1] which the State can punish, and proof that the statement is true will be no defence. If a person has lived as a good citizen for a number of years he has a right not to have his past record made public by a person prompted by a spiteful or malicious motive.

The prohibiting of addresses in public parks or thoroughfares and of profane language in certain places is not considered an abridgment of freedom of speech.

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[1] For the meaning of "crime" see Section 183.

134. The Right to Assemble and to Petition. — Congress may not prevent any peaceable assembling or any governmental petition, and a State may prevent neither a petition to the National government nor a peaceful meeting for the purpose of preparing a petition to the National government, but a State may prescribe where and when meetings may be held. To illustrate, a State could not prevent the meeting of reformers for the purpose of petitioning the National government to propose a constitutional amendment prohibiting the use of cigarettes; but if street meetings interfere with traffic the city authorities may require the reformers to meet in halls or in the suburbs.

135. The Writ of Habeas Corpus. — The Constitution of the United States (Art. I, Sec. 9) provides that "the privilege of the writ of *habeas corpus* shall not be suspended, unless when, in cases of rebellion or invasion, the public safety may require it." All State constitutions have similar provisions. This writ secures to any person who claims to be unlawfully detained by a public officer or a private person the right to have an immediate preliminary hearing before a civil court that he may learn the reason for his detention.

This writ does not apply only to persons who are imprisoned. It has been used by a husband to secure the return of his wife who was taken home by her parents, and by a mother to recover her infant which was through mistake exchanged for the infant of another woman.

136. Equality before the Law. — Our legislators and judges endeavor to make all equal before the law, though there are instances where the ideal is not easy to realize.

(1) A poor man accused of a crime cannot afford able lawyers to plead his cause most advantageously; but he does usually have a sympathetic jury.

(2) When a poor man gets a final judgment against a man of means the judgment must be paid, whereas a judgment against a poor man cannot be enforced unless within a limited period he

acquires property. In America one cannot be imprisoned for a debt honestly contracted.

(3) When a fine is imposed, the rich man pays the fine — perhaps with no inconvenience; the poor man serves his time in jail. If the offence is petty why not give the poor man credit, release him, and allow him to pay the fine by instalments?

(4) A rich man may appeal to the higher courts if the lower court decides against him and thus may drag out the case until the poor man is obliged to abandon his right for lack of lawyers' fees and court fees. The demand is for speedier justice.

This is a challenge to you — rich or poor — to remove the few remaining inequalities. In no other country are the inequalities so few. The rich pay high progressive income and inheritance taxes; and the poor have the workmen's compensation laws, free education, equal suffrage, and can vote taxes upon the rich because they outnumber them. Only unprejudiced labor can bring complete justice. With free education a poor boy can become a Lincoln as readily as a rich boy.

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See Bibliography for Chapters V and VI.

Questions on the Text

1. What are *civil* rights? What are *political* rights?
2. In what documents are the more precious civil rights preserved?
3. What three civil rights are beyond the control of Congress or the States?
4. What is a *bill of attainder?*
5. What is an *ex post facto* law?
6. Explain fully the meaning of "due process of law." Give one illustration of a law which would be contrary to "due process of law" because of improper procedure. Because of unreasonableness.
7. Will courts consider a moot point of law, or must actual cases be brought before them before they will explain the law?
8. What is a Bill of Rights? Why are the first ten amendments to the Constitution of the United States known as the Bill of Rights?

9. Do these amendments restrict State legislatures or only Congress?

10. Amendment II provides that the right of the people to keep and bear arms shall not be infringed. Could your State legislature pass a law restricting the carrying of arms?

11. What three important civil-right restrictions are placed upon the States which are not imposed upon Congress? Illustrate.

12. State Bills of Rights commonly prohibit State legislatures from interfering with what rights of the people?

13. May a person *believe* whatever he pleases regarding religious matters? May he *do* what he pleases, pretending his deeds to be a part of his religion?

14. May one person *say* what he chooses regarding another? May he *publish* it?

15. May the right to assemble and petition be denied?

16. What is the privilege of the writ of *habeas corpus?* Under what conditions may it be denied?

17. Upon whom does the responsibility rest to correct such inequalities before the law as do exist?

Questions for Discussion

1. If the President's daughter, while attending a session of Congress, should be slapped by a disreputable character, the offender could not be sent to the penitentiary. Could Congress enact a law providing that he should be sent to the penitentiary for five years?

2. Why could not the legislature of your State enact a law providing that no farm hand may work more than five hours a day?

3. If an inmate of an insane asylum claims to be sane how can he proceed to have himself released if the superintendent of the asylum will not permit him to leave?

4. Mr. Dicey says, "Freedom of discussion is in England little else than the right to write or say anything which the jury, consisting of twelve shopkeepers, think it expedient should be said or written." Is this practically true in your State?

5. "We have learned that it is pent-up feelings that are dangerous, whispered purposes that are revolutionary, covert follies that warp and poison the mind; that the wisest thing to do with a fool is to encourage him to hire a hall and discourse to his fellow citizens. Nothing chills folly like exposure to the air; nothing dispels folly like its publication; nothing so eases the machine as the safety valve." — Woodrow Wilson. Do you agree or disagree with Mr. Wilson? Why?

6. In 1798, after a series of most exasperating attacks had been made upon the government, Congress passed the sedition act providing a "fine

and imprisonment for anyone uttering or publishing false, scandalous, and malicious statements against the government." A Jerseyman named Baldwin violated the sedition law and was fined $100 for expressing the wish that the wad of a cannon discharged as a salute to President Adams had hit the broadest part of the President's breeches. Do you consider this fine constitutional? (Constitution, Amendment 1.)

7. Restrictions upon speech and the press increase during wars. During the Civil War speakers and editors who criticized the government and advocated stoppage of the war were imprisoned. President Lincoln replied to critics that he had taken an oath to support the Constitution and therefore had the right to do all things necessary to sustain the Constitution and the government founded upon it. He said, "Must I shoot a simple-minded soldier boy who deserts, while I must not touch a hair of the wily agitator who induces him to desert?"

The Espionage Act of 1917 and the Amending Sedition Act forbade speaking or printing anything that interfered with the success of our armed forces or intended to bring our military forces, flag, or form of government into contempt. These acts were upheld by the courts, and many were imprisoned for such indirect thrusts as calling the war capitalistic, insisting that a referendum should have preceded war, and declaring conscription to be unconstitutional. Do you consider these restrictions justifiable? Why?

8. Just to create excitement a man cried, "Fire" in a theatre. This resulted in a panic where persons were injured. In a State whose constitution provides for freedom of speech, is this party liable in a damage suit brought by the injured persons?

9. States may forbid speakers or writers to urge the overthrow of the government by force. After President McKinley's assassination in 1901, New York enacted the criminal anarchy law. In 1920 the publisher of The Revolutionary Age in fervent language urged industrial disturbances and the overthrow of government through mass action. He was sent to the penitentiary, and in 1925 the U. S. Supreme Court upheld his conviction. What rights did the dissatisfied publisher have?

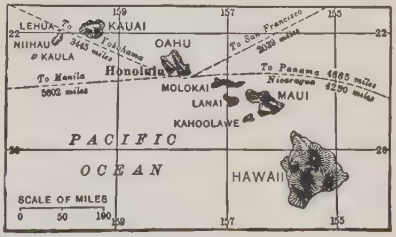
10. Which of the following unconstitutional statutes interfering with liberty are in conflict with the 5th and which with the 14th Amendment: District of Columbia minimum wage as applied to men and women (valid for children); Nebraska statute forbidding the teaching of foreign languages in private schools until the eighth grade is passed; Oregon statute requiring all normal children to attend public schools through the eighth grade. Is the U. S. Supreme Court likely to consider statutes forbidding the teaching of the theory of evolution in public schools unconstitutional interference with liberty?

CHAPTER XVI

TERRITORIES AND FOREIGN POSSESSIONS

137. Hawaii. — Upon the outbreak of hostilities with Spain in 1898 the value of island possessions as coaling stations and for other strategic purposes became very apparent. Therefore, the same year, the Hawaiian Republic, which had previously desired to become annexed to the United States, was admitted as the Territory of Hawaii.

The Hawaiian Islands are in the mid-Pacific between California and the Philippine Islands, and have a total area of 6449 square miles. According to the United States Census of 1920 their population was 255,912, of whom 41,750 were native Hawaiians, 23,507 Chinese, 109,274 Japanese, and the remainder mostly Caucasians including some 10,000 Americans. Immigration from China, Japan, and Korea to Hawaii is now prohibited in the same manner that immigration from these countries to the United States is prohibited; but Filipino immigration is unrestricted, and in 1920 there were 21,031 Filipinos in the Territory.



HAWAII.

In 1900 Congress framed laws for the government of Hawaii. These laws were very largely copied from those for the government of Oklahoma, New Mexico, and Arizona, which were then

territories of the United States and hence governed according to the wishes of Congress.[1] All the provisions of the Constitution and laws of the United States, except where special exception was made or where they are locally inapplicable, were extended to Hawaii. Under this government American citizenship was extended to all Hawaiian citizens and Hawaiian citizenship to all resident American citizens.

The Hawaiian government is divided into three branches — the executive, the legislative, and the judicial. Members of both houses of the legislature are popularly elected, and because of this fact Hawaii is known as a *fully organized territory* of the United States.

The Chief Executive of the Territory of Hawaii is the *governor.* He is appointed by the President and Senate of the United States for a term of four years, and must be a citizen of the territory. He, in turn, appoints the chief administrative officers with the advice and consent of the territorial senate, and exercises the usual powers of a governor, including the veto of bills in their entirety or of separate items in appropriation bills.

The Legislature of the territory consists of a *senate* with fifteen members elected for the term of four years, and a *house of representatives* with thirty members elected for the term of two years. Regular sessions of the legislature are held biennially and are limited to sixty days. The legislature may enact any law which does not conflict with the Constitution, statutes, or treaties of the United States. Congress, however, has by statutes imposed restrictions upon the power of the legislature, especially in regard to financial matters.

The Judiciary of the territory consists of a Supreme Court with three judges, residents of the territory, appointed by the President and Senate for a term of four years, a United States District Court with two judges appointed by the President and

[1] All of our forty-eight States were Territories before becoming States, except the thirteen original States and Maine, Vermont, Kentucky, West Virginia, Texas, and California.

Senate for a term of six years, and inferior courts created by the territorial legislature.

A Territorial Delegate to the government of the United States is elected by the people of the territory for each term of Congress. He is allowed a seat in the House of Representatives with a right to debate and serve on committees, but he cannot vote. His salary is $10,000 a year.

138. Alaska. — In 1867 Alaska was purchased from Russia, and its inhabitants became citizens of the United States, but Congress did not create a *fully organized* territorial government for it until 1912. Its area is 590,884 square miles, but its population in 1920 was only 54,899 including 26,421 Indians (Eskimos). To-day the Territory of Alaska is governed in very much the same manner as the Territory of Hawaii.

The railroad from Seward to Fairbanks (468 miles) was

built by the United States government at a cost of $56,000,000. It taps rich coal fields.

The Governor is appointed by the President and Senate of the United States for a term of four years and has the usual powers.

The Legislature consists of a *senate* with eight members popularly elected and a *house of representatives* with sixteen members popularly elected. It meets biennially for a period not exceeding sixty days and its powers are general except where

Reindeer Feeding on Moss, Seward Peninsula, Alaska.

Reindeer, introduced by the U. S. Bureau of Education and protected by the Department of Agriculture, have increased rapidly, and now supply food, shelter, and transportation for the natives.

specifically restricted. All Alaskan laws are valid until disapproved by an Act of Congress if they are originally passed within the limits of the organic act.

As an example of the restrictions imposed by Congress, neither the Hawaiian nor the Alaskan government may grant divorces to persons who have resided in the country less than two years.

It is interesting to note that one of the first acts passed by the legislature of Alaska extended full suffrage to women, and that in 1916 the people voted for territory-wide prohibition by a large majority, carrying every incorporated town but Engle, which cast a tie vote.

The Judiciary of Alaska consists of four United States district courts with judges appointed by the President and Senate for a term of four years, and of minor local courts presided over by commissioners whom the district-judges appoint.

A Territorial Delegate is elected every second November to represent Alaska in the Congress of the United States. Like

Propagating Blue Foxes on Alaskan Islands.

The Department of Agriculture is encouraging this new industry on islands owned by the government.

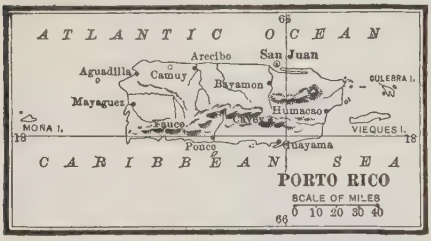
the territorial delegate from Hawaii he has a seat in the House of Representatives, debates, and serves on committees, but has no vote. His salary is $10,000 a year.

139. Porto Rico. — The United States took possession of the island of Porto Rico in 1898 during the Spanish-American War, and acquired it by treaty the following year. Its area is 3606

square miles and its population in 1920 was 1,299,809, including 948,709 whites, 49,246 blacks, 301,816 mulattoes, and 36 mongolians.

The government of Porto Rico is based on acts passed by Congress in 1900 and 1917. The later act grants American citizenship to Porto Ricans and specifically extends to them the civil rights guaranteed by the United States Constitution with minor exceptions.

The Executive power of the government is vested in a governor, appointed by the President and Senate for an indefinite term. The governor is assisted by six heads of executive departments



of whom two (attorney-general and commissioner of education) are appointed by the President, while the remaining four (treasurer, commissioner of the interior, commissioner of health, and commissioner of agriculture and labor) are appointed by the governor. These six heads of departments form an executive council, assisting the governor in an advisory capacity and holding office for four years.

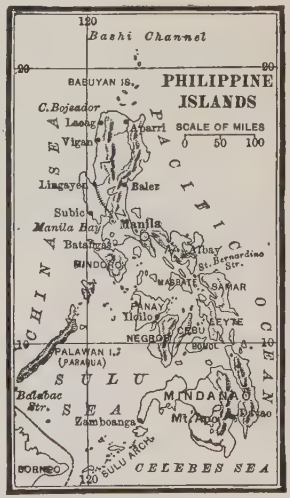
The principal financial officer is an auditor who is appointed by the President for a term of four years, but he is under the general supervision of the governor.

The Legislature of the Island is composed of two houses, a senate and a house of representatives. The *senate* consists of nineteen members, of whom two are elected from each of seven senatorial districts and five are elected at large. The *house of representatives* consists of thirty-nine members, one elected from each of the thirty-five districts and four elected at large. All are elected for a term of four years.

Legislation may be vetoed by the governor, but his veto may be overridden by a two-thirds vote of both houses. Where the

veto is overridden the bill is referred to the President of the United States, who has an absolute veto. All laws must be submitted to Congress, which reserves the power to annul them but in practice has never interfered.

The Judiciary of Porto Rico has been almost completely Americanized in form, law, and procedure. The supreme court consists of five judges appointed for life by the President and Senate. Below this court are inferior courts with judges either appointed by the governor or elected by the people. There is also one United States District Court with a judge appointed by the President and Senate.



A Commissioner, elected by the voters every four years, represents the Island in Washington. Unlike the territorial delegate, he has no statute right to a seat in the House, but by courtesy the House has given him the privilege of speaking and of serving on committees. He receives a salary of $10,000 per annum.

140. The Philippines.—The United States took possession of the Philippine Islands in 1898 during the Spanish-American War, and they were ceded to the United States the following year. This archipelago consists of about 3141 islands with a total area of 115,026 square miles, and a population now estimated at 11,000,000. The population increased 35 per cent from 1903 to 1918; and according to the census of 1918 there are besides the native Filipinos 3945 Spaniards, 5774 Americans, 7806 Japanese, and 43,802 Chinese. The Chinese, who are the merchants and money-lenders of the Islands, are now excluded by Philippine law.

The Spaniards christianized the natives and set up the only

Christian nation in the Orient. According to the 1918 census the Filipinos are given the following religious classification:

Christians (mostly Roman Catholics)	9,463,731
Mohammedans (Moros — named after the Moors of Spain)	443,037
Pagans (Negritos and Hill Tribes)	508,596
Other religions	29,717

There are 87 languages and dialects spoken in the Islands, but all higher education was given in Spanish until the Islands were transferred to America. To-day both Spanish and English are official languages, though debates in the legislature and court trials are conducted in Spanish. All public schools are taught in English with texts printed in English. The English language seems destined to become the commercial and literary language, as well as official, within a generation.

There are now a million pupils in school taught by some three hundred Americans and more than twenty thousand Filipinos. Ten per cent of the total population is in school as compared with twenty per cent in the United States.

Present Government. — The Filipinos are nationals of the United States but not citizens. They enjoy most of the privileges of citizens, such as protection when travelling abroad and the right to enter the United States, but all parts of the United States Constitution do not apply to the Philippine Islands.

Originally Congress provided a government for the Philippine Islands in which the natives played a very minor part, but in order to test their ability for self-government Congress and the President have gradually intrusted more offices to them.

The present government of the Philippines is provided for by the Jones Act of Congress (1916) which is practically the constitution of the Islands. This Act provides that the laws of Congress hereafter enacted shall not apply to the Philippine Islands except when they specifically so provide, and extends general legislative power to the Philippine legislature with certain fundamental restrictions enumerated therein. The pre-

amble of this Act further states that it is the purpose of the United States to recognize the independence of the Filipinos "as soon as a stable government can be established."

The Filipinos desired a responsible ministry and form of government like that of Canada,[1] where the governor-general is a mere figurehead. A responsible ministry was not possible under the Jones Law, but an approach was made in two respects: the houses of the legislature question the ministers on the floors of the houses; and in 1917 the governor-general began holding

General Wood's Philippine Cabinet (Council of State).

Secretary of Justice Santos, Senate President Quezon, Governor-General Wood, Vice-Governor Gilmore, Speaker of House Roxas, Secretary of Interior Laurel, Secretary of Finance Barreto, Secretary of Commerce and Communication Laguda, Secretary of Agriculture and National Resources Corpus. The Philippine members of this Cabinet resigned in July, 1923.

weekly cabinet meetings attended by the six ministers, the speaker of the house, and the president of the senate, where governmental policies are discussed by the real leaders of the government.[2]

The Executive department consists of the governor-general, the vice-governor, the heads of the executive departments, and

[1] The Canadian government is a responsible government like that of Great Britain. See Question for Discussion, No. 7, Chapter II.

[2] In July, 1923, all the Filipino members of this cabinet handed in their resignations to General Wood, hoping that by this action they might force the governor-general to concede to them the determination of policy. General Wood accepted their resignations and continued the administration with the aid of Americans.

an auditor. The governor-general is appointed by the President and Senate of the United States. His position in the Philippine government is very similar to the President's position in the government of the United States. The vice-governor is also appointed by the President and Senate, and acts as governor in case of the latter's inability to act. He is head of the executive department of public instruction, which consists of the bureaus of education and health. The other execu-

THE FIRST PHILIPPINE ASSEMBLY, 1907.

tive departments are created by the Philippine legislature which has provided that the heads must be Filipinos. They are appointed by the governor-general with the consent of the Philippine senate. The auditor, who is appointed by the President, safeguards the revenues of the central and local Philippine governments.

The Legislature consists of a senate and a house of representatives. The senate is composed of twenty-four members chosen in twelve districts for terms of six years. The house of representatives is composed of ninety members chosen in ninety

districts[1] for terms of three years. Sessions are held annually. Every bill that passes the two houses requires the approval of the governor-general unless passed over his veto by a two-thirds vote of each house, in which event it becomes law if approved by the President of the United States. Public land, timber, mining, tariff, immigration, currency, and coinage bills must receive the approval of the President. All of the laws passed by the legislature must finally be reported to Congress, which may annul them but has never done so.

The Judiciary consists of a supreme court of nine judges appointed by the President and Senate, and a number of judges for courts of first instance and justices of the peace for each locality appointed by the governor-general and the Philippine senate. If an aggrieved party petitions, the U. S. Supreme Court may review a final decision of the Philippine Supreme Court when the case involves the Constitution, a statute, or a treaty of the United States, or an amount exceeding $25,000.

Two Commissioners, elected by the Philippine legislature for terms of three years, represent the archipelago in Washington. These representatives have no seats in Congress, but by courtesy of the House they have the privilege of debating, and receive a salary of $10,000 per annum.

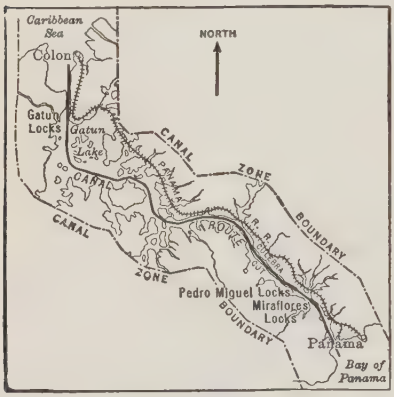
141. Panama Canal Zone. — The occupation, use, and control of a zone five miles wide on each side of the Panama Canal was granted by Panama to the United States by treaty in 1904. The present permanent government for this zone was provided for by an act of Congress in 1912. The government is placed in the hands of the President of the United States. With the consent of the Senate he appoints a governor for the term of four years, and without the consent of the Senate he appoints other officials for an indefinite term. There is no legislature for the

[1] Two senators and nine representatives are appointed by the governor-general for indefinite terms to represent the non-Christian tribes, which were unrepresented before 1916; all other members of the legislature are elected by a restricted suffrage.

zone, but there is a district court with a judge appointed by the President for four years and local courts conducted by justices who are appointees of the governor.

Because of the President's influence in the governing of the Canal Zone it has been called a "crown colony."

The Canal cost us about $400,000,000, including $10,000,000 paid to Panama and $25,000,000 recently paid to Colombia. In the fiscal year 1925–1926 the tolls (see Sec. 68, note 1) amounted to $22,927,456. The cost of operation, including $250,000 paid the Panama Republic annually, is more than $8,000,000 a year. This leaves a profit of about $15,000,000, or $3\frac{3}{4}$ per cent on the investment.



Panama Canal Zone.

142. Other Insular Dependencies. — The Virgin Islands,[1] consisting of St. Croix, St. Thomas, St. John, and fifty odd small and mostly uninhabited islands, were purchased from Denmark by treaty for $25,000,000. They are governed by the President through the Navy Department.

Guam was acquired in 1899 as a result of the war with Spain. The Samoan Islands were acquired by treaty in 1900. Each of these is commanded by a naval officer.

Wake, Midway, Howland, Baker, and Guano islands are claimed by the United States, but as they are totally or practically uninhabited they need no government.

Protectorates. — Since the Spanish-American War the United States has become a sort of godfather for Cuba, Panama, Santo

[1] Called "Virgin Islands" by Columbus after Saint Ursula and her eleven thousand virgins, because the islands were too numerous to name individually.

Domingo, Haiti, and Nicaragua. They are independent countries, at least in name, but in one way or another they have shown inability for self-government and when necessary we intervene to prevent intervention by European nations in violation of our Monroe Doctrine.

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Questions on the Text

1. What was the main reason for annexing Hawaii in 1898?
2. The government of Hawaii is somewhat similar to that of what former territories of the United States?
3. Are Hawaiians American citizens?
4. Into what three branches is the Hawaiian government divided?
5. How is the governor of Hawaii chosen? The senate? The house of representatives?
6. What laws may be enacted by the legislature of Hawaii?
7. By whom is the territory of Hawaii represented in Washington? May he vote?
8. How and when did the United States acquire Alaska?
9. How is the governor of Alaska chosen? The senate? The house of representatives?
10. How is Alaska represented in Washington?
11. How and when did the United States acquire Porto Rico?
12. How is the governor of Porto Rico chosen? The executive council? The senate? The house of representatives?
13. How is Porto Rico represented in Washington?
14. How and when did the United States acquire the Philippine Islands?
15. What religion predominates in the Philippines?
16. How many languages are spoken in the Philippines? Which are official? Which is used in the public schools?
17. Are Filipinos citizens of the United States?
18. How is the governor-general of the Philippine Islands selected? The senate? The house of representatives?
19. Under what condition is independence promised the Philippines?

20. Who constitute the Philippine cabinet?
21. What Philippine bills must receive the approval of the President?
22. How are the Philippine Islands represented in Washington?
23. How and when did we acquire the Panama Canal Zone?
24. Explain the financial status of the Panama Canal.
25. How is the Panama Canal Zone governed?
26. What other insular dependencies does the United States own?
27. Name the foreign possessions of the United States in the order of their degree of local self-government.
28. What Latin-American countries does the United States treat as protectorates? Why?

Questions for Discussion

1. One half of the births in Hawaii are Japanese. Therefore in 21 years one half of the voters will be Japanese. What should be our attitude towards these people if we expect them to be loyal citizens?
2. The Hawaiians have petitioned Congress for statehood. Do you favor granting it?
3. Mr. Harding in his last public speech delivered at Seattle on Alaska said, "Alaska is destined for ultimate statehood. In a very few years we can well set off the panhandle and a large block of the connecting southeastern part as a state. This region now contains easily 90 per cent of the white population and of the developed resources." Would you favor granting Alaska statehood now?
4. The Porto Rican legislature has passed a bill favoring the election of a governor by the people. If you were a congressman would you vote for granting this request? Why?
5. The Jones Act promises independence to the Filipinos when they establish a stable government. They claim "a stable government is one elected by the people, supported by the people, capable of maintaining order, and of fulfilling its international obligations." Governor-General Wood says: "A stable government is a government under which capital seeks investment at normal rates of interest." Which definition do you think Congress should follow?
6. A majority of Filipinos seem to advocate independence for the Islands and advance the following arguments:
   (1) The busy President and Congress neglect these distant islands.
   (2) The Philippines are not allowed to impose a tariff tax on commodities produced in the United States.
   (3) If independence is granted now while the Filipinos are grateful for what we have done for the Islands, we will have a permanent friend in the Orient.

(4) Even if the American Flag does promote material prosperity, they prefer not being a "bird in a gilded cage."
(5) Experience is the best teacher. We learn to do by doing.

To these arguments the following counter arguments are made:

(1) The Filipinos are the only Orientals privileged to come to the United States unrestricted.
(2) They are protected against foreign nations at the expense of the United States.
(3) They can borrow money in the United States at a low rate of interest because their bonds are exempted from taxation by our central and local governments, and because we insure a stable government in the Islands.
(4) Free trade gives the Filipinos a hundred million customers for their products. For example, the duty on the $10,000,000 worth of cigars sent to the United States annually would be about $30,000,000, which would practically close the markets of the United States to these cigars.
(5) Assured protection of property brings capital to the Islands.

In view of these facts, which of the following policies towards the Islands would you favor?

(1) Continue with the present government.
(2) Send an American Governor-General to give advice, but let them have their own way, thus giving them practical independence like the Dominion of Canada?
(3) Grant independence subject to certain restrictions like the three restrictions placed upon Cuba by the United States: (1) Forbid the alienation of territory to any foreign country; (2) limit the amount of debt it may contract; (3) reserve the right to intervene for the protection of life and property.
(4) Grant them independence as a neutralized country like Switzerland by having such countries as Great Britain and Japan enter an agreement with us jointly to guarantee their independence.
(5) Drop them into the "Sea of Independence" and let them swim to the "Isle of Success" if they can.

7. Because of better sanitation, better government, and free trade with the United States, the towns of Balboa and Christobal have grown in competition with Panama City and Colon, the two cities located in the Panama Canal Zone that remained under the jurisdiction of the Republic of Panama. The Panamanians claim that they did not contemplate this use of the Canal Zone for commercial purposes and urge us to prevent the development of industry therein. What do you think of their contention?

CHAPTER XVII

POLITICAL PARTIES AND POLITICS

143. National Parties. — A political party is an organization of many people, united by common principles or a common policy, and having for its immediate end the control of the government through the carrying of elections and the possession of office. A political organization, like any other organization, perpetuates itself by representative men known as *committeemen.*

For each of the national parties there is a *National Committee.* This committee elects a *National chairman,* and he is the real party manager. In each State there is a *State Committee* and a *State chairman* to coöperate with the National Committee and its chairman. It is the duty of these party representatives to promote harmony, to arouse enthusiasm by speeches and literature, to arrange for the selection of party candidates for public office, to instruct the voters concerning the merits and virtues of their own principles and leaders and the mistakes of their opponents, to enlist new voters such as naturalized foreigners — in short, to capture the government.

An old party may have no principles differing from the opposing party, and may be said to be "looking for an issue." "A party may hold together 'long after its moral life is extinct. . . . Parties go on contending because their members have formed habits of joint action, and have contracted hatreds and prejudices, and also because the leaders find advantage in using these habits and playing on these prejudices. . . . The mill has been constructed and its machinery goes on turning even when there is no grist to grind.'"[1]

[1] P. Orman Ray, "An Introduction to Political Parties and Practical Politics," page 7.

However, when a political party with a large membership has been in control for a long period and has had no formidable party to oppose it, sectional or economic differences of opinion tend to "split" it into "factions." During Taft's administration the Republican party split into two factions, — the "insurgents" and the "standpatters." Their differences of opinion were irreconcilable, and the insurgents, after "bolting" the Republican Convention of 1912, organized the Progressive party with Roosevelt as its leader.

The functions of political parties are:

1. To frame issues for the voters to choose from.
2. To nominate candidates so that the successful one may be the choice of a large number of voters.
3. To educate the voters by speeches and literature.
4. To arouse interest in public issues.
5. To create a loyal spirit among the legislators which will cause them to sacrifice their individual views for the sake of a legislative program.
6. To censor the opposing party and expose its shortcomings.
7. To coördinate the different branches of government.

Therefore, political parties are useful to democratic government, and as there is no provision for them in the Constitution of the United States they have developed as extra-legal institutions.[1] Laws distinctly recognizing the existence of parties and attempting to regulate their activities are very recent, but State primaries provided by law have in many States displaced the old extra-legal conventions.

144. Party Platforms. — A party platform is a statement of principles or policies for which the party stands. A National party platform is framed every four years by the Committee on Resolutions at the National Convention of the party. Each

[1] *Extra-legal* means outside of the law; not illegal or contrary to law, but simply not regulated at all by law.

party platform contains a statement of its principles and policies; but if the delegates cannot agree upon specific problems, non-committal planks are adopted to avoid offending any large faction of the party. The value of a platform depends upon the party leaders and candidates who indorse it.

145. Summary of the 1924 Platform of the Republican Party. —

Tariff: Elastic protective tariff — President to increase or decrease rates to meet changing economic conditions.

Transportation: Consolidation of railroads into fewer competitive systems; development of inland waterways; put merchant marine on firm basis and sell it to American citizens.

Capital: Government ownership of public utilities opposed.

Labor: Regulation of child labor by Congress; eight-hour day advocated; creation of free employment agency.

Agriculture: Establishment of Federal organization for co-operative marketing of farm products; coöperation with States in highway building; survey of the Colorado Basin.

Finance: Rigid economy; creation of commission to recommend tax reforms and to harmonize State and Federal tax systems.

Government: Classified civil service for prohibition agents and postmasters; Federal anti-lynching law.

Prohibition: Enforcement of all laws.

Military: No further weakening of army; navy at full strength as provided by the Conference on the Limitation of Armament; presidential draft of material resources and services in event of war; liberal care of disabled veterans.

Education: New cabinet member of education and relief; adequate support of vocational education.

Dependencies: Conservative development of Alaska; immediate independence of Philippines opposed.

Foreign Relations: Conference on limitation of land, submarine, and gas armament when European conditions permit; membership in Court of International Justice with reservations; membership in League of Nations opposed.

146. Summary of the 1924 Platform of the Democratic Party. —

Tariff: Tariff to produce fair revenue, and to permit farmers and other consumers to buy in a competitive market.

Transportation: Lower freight rates on farm and other raw products, with higher rates on less bulky commodities; development of inland waterways; government-owned merchant marine until it obstructs growth of private-owned American vessels.

Capital: Nation should retain title to its water power, and control its natural resources; enforce laws against monopolies.

Labor: Regulation of hours of labor; public work during periods of unemployment.

Agriculture: Establish export marketing corporation or commission for farm products; develop water power for cheap fertilizers; secure credits for farmers; coöperate with States in highway building; carry on reclamation and reforestation projects.

Finance: High income tax upon large incomes; shift of taxes from wealthy property owners to consumers opposed.

Government: Preservation of States in vigor and power; end term of congressmen between election and next session; limitation and publication of campaign gifts; extension of civil service, giving preference to war veterans.

Prohibition: Enforcement of all laws.

Military: Adequate army and navy until nations can agree to limitation of armament; draft of resources as well as manpower in event of war; generosity towards veterans.

Education: Federal government should give advice and aid to the schools of the States, but not control them.

Dependencies: Immediate independence of the Philippines; adequate self-government for Alaska.

Foreign Relations: Joint agreement with all nations for world disarmament; membership in Court of International

Justice; referendum to determine membership in the League of Nations with such reservations as the President and Senate agree upon; exclusion of Asiatics.

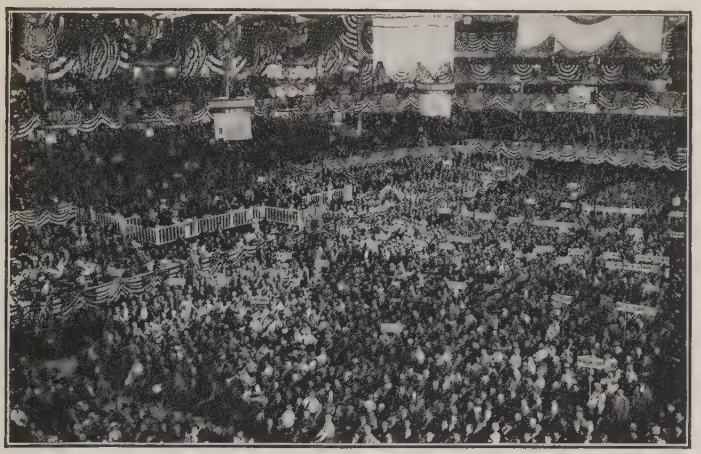
147. Platforms of Minor Parties. — From time to time new groups of people meet in conventions and issue platforms. For instance, in 1924 persons dissatisfied with the major parties nominated La Follette and advocated public ownership of railroads and the nation's water power, and creation of a public super-power system; lower tariff; high taxes on wealth; government marketing corporation to aid farmer and consumer; control of nation's money and credit; ratification of child labor amendment; abolition of injunctions in labor disputes; nonpartizan election of Federal judges for limited terms. The Socialist party supported the La Follette platform.

The Prohibition party issued a platform, called attention to the numerous reforms which it claims to have forced upon the major parties, and cautioned against trusting the " prohibition child with a wet nurse."

148. The National Convention. — In the early summer of every fourth year each party holds a convention for the purpose of formulating its principles and policies into a party platform and for nominating candidates for President and Vice-President. In December or January preceding a presidential election the National Committee of each of the National parties meets in Washington and decides upon the time and place to hold the convention.[1] When this is determined, the committee sends a call for the National Convention to each State committee, naming the time, place, and number of delegates to which each State and Territory is entitled. The Democratic party assigns to each State twice as many delegates as it has senators and representatives in Congress, but the Republican party allots

[1] The convention must be held in a city with railroad facilities, hotel accommodations, and auditorium space. In 1924 New York obtained the Democratic Convention by giving the National Committee a certified check for $150,000, plus $55,000 for radio broadcasting, motion picture, and other concessions, plus $50,000 for auditorium accommodations, etc.

them more nearly in proportion to party strength.[1] Each State is assigned as many alternates as it has delegates, and these serve in the absence of the delegates.



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DEMOCRATIC NATIONAL CONVENTION IN NEW YORK, 1924.

When the call from the National Committee is received, the respective State committees see that their party delegates are duly elected for the National Convention. In nearly half the States the delegates are elected by direct primary elections, while

[1] Several Southern States have only a handful of Republicans and never give an electoral vote to a Republican candidate. In those States the party leaders are usually Federal office-holders who are appointed and can be removed by the President. Consequently, a Republican President can hand pick the delegates from the Southern States. In this way he may almost dictate his own nomination or the choice of his successor. Roosevelt used the Southern delegates to drive through the nomination of Taft in 1908; four years afterwards the latter used them to nominate himself. Since then there has been a restriction in the number of delegates from the Southern States. For example, in 1924 Alabama had 24 delegates in the Democratic Convention, but only 16 in the Republican.

Each party assigns delegates to the District of Columbia, Alaska, Hawaii, Porto Rico, and the Philippines, though these areas do not have presidential electors. In 1924 the total number of delegates in the Democratic Convention was 1098; in the Republican, 1109.

in the other States they are chosen in district or State conventions — the delegates-at-large of course being chosen at State conventions. The conventions or primary elections that choose these delegates frequently "instruct" them to support a certain candidate for the presidential nomination and to urge that certain policies be included in the party platform.

In the large auditorium decorated with flags, bunting, and pictures of candidates and dead statesmen, the convention is called to order by the chairman of the National Committee. After the secretary reads the official call for the convention and prayer is offered, the National chairman names the temporary chairman and other officers whom the National Committee has previously selected. Unless there is a factional fight, as there was in 1912 in both parties, these nominees are elected by the convention. The temporary chairman is escorted to the chair and makes a lengthy speech in which he assails the record of the opposite party, eulogizes his own party, and pleads for harmony.

149. The Committees. — Four committees are now formed: (1) Committee on Permanent Organization; (2) Committee on Credentials; (3) Committee on Rules and Order of Business; and (4) Committee on Platform and Resolutions. Each State is entitled to one member on each committee. As the roll of the States is called the chairman of each State delegation announces the members whom the delegation has chosen to represent that State on the respective committees. After these committees are named the first session usually ends.

The second session of the convention is usually devoted to receiving the reports of the committees. The committee on rules and order of business usually recommends the adoption of the rules of the preceding National Convention and of the House of Representatives so far as they are applicable, and recommends a program, or order of business, for the existing convention.

The committee on credentials recommends what delegates shall be seated where there is a split in the party and two sets of delegates claim to be the proper delegates.

The committee on permanent organization nominates a permanent chairman and other permanent officers. When elected, the permanent chairman is escorted to the chair and delivers a long speech outlining the issues of the campaign.

Next, the committee on platform and resolutions presents a platform of which a preliminary draft has been prepared by a

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REPUBLICAN NATIONAL CONVENTION, CLEVELAND, 1924.

party leader previous to the meeting of the convention. The platform is sometimes debated before the convention adopts it.

The next duty of the convention is to nominate the President. The secretary calls the roll of States alphabetically, beginning with Alabama; and as a State is called, its delegates have a right to propose candidates for nomination by long eulogistic speeches. Any number of delegates may second a nomination by similar speeches. After all candidates are placed in nomi-

nation the balloting begins. The secretary again calls the roll of the States, and the chairman of each delegation announces the votes for the entire delegation.[1]

In the Republican Convention the votes of a bare majority of delegates nominate; in the Democratic the votes of two thirds of the delegates are necessary. In 1912 Woodrow Wilson was nominated by the forty-sixth ballot, and in 1924 it was necessary to ballot 103 times to nominate John W. Davis. The Vice-President is nominated in the same manner as the President.

150. Party Machinery.[2] — Between the nomination of candidates and election day a political campaign must be waged, and for this purpose party organizations are necessary. Party machinery in the form of a National Committee, National sub-committees, congressional campaign committees, State committees, and local committees is necessary for each party.

The National Committees of the Democratic and Republican parties long consisted of one member from each State and Territory, but the extension of suffrage to women created a demand for additional representation. Therefore the Democratic and Republican parties have added to their national committees one woman from each State and Territory. This creates a new factor to be reckoned with by political leaders. In some States the committeemen are chosen by the direct primary method, in some by a State convention, while in others they are chosen by the State delegation at the national convention. At the head of the National Committee is the National

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[1] Until 1912 the Democratic party used what was known as the "Unit Rule" by which all the votes of a State went to the same candidate; but the 1912 Convention modified the rule by providing that the unit rule should not be enforced for the delegations from States whose laws provide for the nomination and election of delegates to the National Convention in congressional districts. In the last Democratic Convention delegates from nearly all the States voted as individuals as freely as in the Republican Convention.

[2] The party machinery described in this section applies to the Democratic and Republican parties. That of other parties is very similar.

chairman,[1] nominally chosen by the National Committee, but really selected with the advice of the presidential candidate. He is the campaign manager, "the head master of the machine." For convenience and efficiency the National Committee is usually divided into sub-committees, such as an executive committee, a finance committee, a committee in charge of the bureau of speakers, a committee in charge of literary and press matters, and a committee in charge of the distribution of public documents.

The Congressional Campaign Committees are organized both in the House and in the Senate. In the House the Republican Committee consists of one representative from every State having party representation in Congress, and each delegation selects its own representative. The Democratic Committee includes one representative from each State whether represented in Congress or not, and also a woman from each State represented in Congress. States not represented in Congress by a Democrat have a committeeman chosen for them by the committee. This makes a Republican Committee in the House of about thirty-five and a Democratic Committee of about one hundred. The Senatorial Committee of each party consists of seven members, who are appointed by the senatorial leader of the party. This committee has no connection with the other party committees but works in harmony and coöperation with them.

The State Committees vary in composition and powers from State to State. In number they vary from a few to more than a hundred members, and serve terms varying from one to four years. Except in those States where the State convention system has been abolished, the committeemen are selected at the State conventions. In some States the unit of representa-

[1] Second in importance only to the National chairman is the National secretary, who is director at headquarters. He is more familiar with the actual details of the campaign than the chairman, who has largely determined the policy.

tion is the congressional district, in others the county. Subordinate to State committees are various local committees.

151. Party Finance. — Since 1910 the amounts of national campaign contributions and expenditures have been filed with the Clerk of the House of Representatives, as follows:

	1912	1916	1920	1924
Democratic . .	$1,130,000	$1,958,508	$1,318,274	$ 903,908
Republican . .	1,070,000	3,829,260	5,319,729	4,270,469[1]

These funds are contributed by candidates, friends, and admirers; by loyal party supporters; by those favoring or opposing reforms; and by others personally or financially interested in the party. In 1924, 90,605 Republicans contributed, the largest single contribution being $50,000.

Private corporations once contributed large amounts, sometimes as much as $50,000 or $100,000 at a time. But in 1907 Congress passed an act prohibiting contributions by any corporation to any campaign fund used to aid in the election of the President, Vice-President, a representative, or a senator. By the same law national banks and other Federal corporations are forbidden to contribute to any political campaign fund.[2]

By the 1925 Corrupt Practices Act, amending former acts, a candidate for representative in Congress may not expend more than $2500, and a senator not more than $10,000 [3] towards his election, or an amount equal to the amount obtained by multiplying three cents by the total number of votes cast at the last general election for all candidates for the office which the candidate seeks, but in no event exceeding $25,000 if a candi-

[1] Part of this was spent through party State organizations and the congressional and senatorial committees.

[2] Besides this Federal law prohibiting corporations from contributing, many States prohibit corporations from contributing to State and local elections. States have various laws limiting the amount of money a candidate may spend and also specifying for what purposes he may spend it.

[3] Postage and a few items such as those which members of Congress obtain free are not included in these limits.

date for senator or $5000 if a candidate for representative. He must report the receipts and expenditures for his campaign to the Secretary of the Senate or Clerk of the House within thirty days after an election.

The treasurer of a political committee, or an individual expending $50 or more in two or more states, must file a detailed report with the Clerk of the House annually, quarterly, and ten days, and five days before a general election.

A campaign fund may be expended for the maintenance of headquarters, convention halls, club rooms, mass-meetings, parades, and speakers' expenses; in most States for salaries, bulletins, pamphlets, and posters; and in a few States the cost of primaries must be borne by the State committees. Bribery, or gifts to influence voters, is everywhere illegal.

A law of Congress enacted in 1912 requires newspapers and other periodicals to publish the name or names of persons owning the publication so that it may be known to what extent certain persons or interests are influencing public opinion at election times. The law also requires publishers to insert the word "Advertisement" at the end of any reading matter for which the publisher receives pay.

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Questions on the Text

1. What is a political party?
2. What is the National Committee? Of whom is it composed?
3. How is the National chairman chosen? What is his position?
4. What is the duty of the various party representatives?
5. What is meant by party factions?
6. Why must the principles of a new party be emphasized? What holds together an old party?
7. What is the immediate end of a political party?
8. Why are political parties useful to a democratic government?

9. What is a political platform?
10. What is meant by a plank of a party platform?
11. What determines the value of a platform?
12. What was advocated in the latest Republican platform? The Democratic platform? The La Follette platform? Discuss the different planks.
13. Describe a National Convention. When does it meet? Who, and what considerations, determine where it will meet?
14. What is accomplished by a National Convention?
15. How many votes of a convention are necessary to nominate a Republican candidate? A Democratic candidate?
16. How are vice-presidential candidates nominated?
17. Describe party machinery and the methods of conducting a campaign.
18. What are the Congressional Campaign Committees?
19. Describe the political organization within a State.
20. Explain how funds are raised for campaign expenses.
21. May corporations contribute money to a political party to influence a Federal election?
22. May a candidate for Congress spend as much as he desires toward his election?
23. How can one learn how much money has been expended by a candidate for a Federal office?
24. Is it legal in any State to use gifts or bribes to influence voters?

Questions for Discussion

1. Referring to party organization, Mr. C. R. Fish says: "There must be drilling and training, hard work with the awkward squad, and an occasional dress parade. This work requires the work of many men: there must be captains of hundreds and captains of tens, district chiefs and ward heelers. . . ." Explain the meaning of this quotation.
2. Is your State a one-party State? Would government be more efficient if there were two parties of about equal strength?
3. Compare the latest platforms of the leading political parties. Which is the most progressive? Which the least? Which do you favor? Did you inherit your views or do you think for yourself? Compare the latest platforms with the most recent preceding ones. (See World Almanac for presidential year.)
4. What are the differences between socialism and anarchism?
5. What is the method of procedure in calling and conducting a caucus or primary in your own State?

6. How are the delegates of the county and State conventions chosen in your own State — in theory and in actual practice?

7. Why is there always a lull in business during a presidential campaign when tariff reduction is an issue?

8. President Roosevelt recommended that campaign expenses be paid by the Federal government. What arguments can be advanced for and against this recommendation?

9. What argument can you advance for and against compulsory voting?

10. Though it is morally just, why is it practically inexpedient to penalize both bribe-giver and bribe-taker?

11. Prepare a report on the election of 1924.

12. Woodrow Wilson, in a message to Congress, advocated the nomination of the presidential and vice-presidential candidates by a direct primary election instead of National Conventions. Why do you favor or oppose this suggestion? Do you think Congress can enact a law creating such a primary, or must the Constitution be amended? (See Art. II, Sec. 1; also Amendments XII, XIV, and XV.)

13. Canada shows its appreciation of an opposition party by paying a substantial salary to its leader in Parliament; and most people believe political parties essential to a republic. But would the party system be of any value if there were no independent voters?

14. Every member of the Socialist party has a membership book containing stamps purchased annually as evidence of membership; and to vote for any candidate other than a Socialist is party treason and results in expulsion from the party. Would you favor this rule for the larger parties?

15. In the case of Newberry *vs.* United States (1921) five to four judges held that Congress does not have power to regulate the nomination of a candidate for the Senate or House — only the election. (See Art. 1, Sec. 4, Cl. 1.) Do you consider wise this decision which prevents the regulation of congressional primaries by Congress? Why?

16. Following the 1920 presidential election each national committee had a deficit running into six figures and totaling more than $1,000,000. Before the 1924 campaign both parties announced that these deficits had been paid. These after-election unreported pledges were viewed with suspicion. Why? What 1925 act will tend to correct this evasion of the publicity law?

CHAPTER XVIII

STATE CONSTITUTIONS

152. Origin of State Constitutions. — As the result of the Revolutionary War the thirteen colonies of North America became thirteen independent States. Each had power to enact such laws as it considered wise. As expressed by a meeting of New Hampshire towns: "It is our humble opinion, that when the Declaration of Independence took place, the Colonies were absolutely in a state of nature, and the powers of Government reverted to the people at large." Thus the people of each State had power to create any kind of government they preferred.

Connecticut and Rhode Island found the colonial charters granted to them by Charles II to be so liberal that these charters were sufficient for their purposes. These States merely renounced their allegiance to the King of England and continued to be governed according to the provisions of their charters until 1818 and 1842 respectively. Between 1776 and 1780 all of the other States prepared new documents, known as *constitutions*. In addition to outlining a form of government these documents contained certain rules to which all State legislation must conform.

These original constitutions were framed by State conventions, or congresses, some of which were composed of members of the State assemblies; while others were especially constituted for that purpose. All of our State constitutions now in existence were framed by assemblies representing the people.

Congress never admits a new State into the Union until the territory desiring to be admitted has framed its constitution. On the admission of some States Congress has passed an act empowering the people of a territory to hold a convention and

frame a constitution; on the admission of other States Congress has accepted and confirmed the constitution previously drawn up by a territorial convention.

153. State Constitutions Analyzed. — State constitutions commonly consist of six parts:

(1) A *preamble* stating the general purpose for which the government is organized.

(2) A *Bill of Rights* listing certain rights which must not be infringed upon even by enactments of the legislature.

(3) *Provisions for the organization of the legislative, executive, and judicial departments,* and the powers and duties of each.

(4) *Provisions of a miscellaneous character* treating of such subjects as suffrage and elections, revenues and expenditures, local government, public education, and railroads and other corporations.

(5) *Provisions for future changes* by partial amendment or total revision.

(6) A *schedule* providing for such matters as submitting the new constitution to the voters and putting it into operation without conflicting with the previous constitution.

154. Revision of State Constitutions. — As the provisions of our State constitutions cannot be changed by the State legislatures in the same manner that ordinary laws are changed, special means have developed for altering them when new conditions make it advisable. If the people desire to make many changes in the constitution a *convention* is called to revise the old constitution or to frame a new one. But if only a few portions of the constitution are to be changed, a simpler procedure is followed, known as *partial amendment.*

155. Constitutional Conventions. — A constitutional convention is an assembly of delegates chosen by the voters to revise an old constitution or to frame a new one. In all States except Rhode Island the constitution may be changed by a convention, but in most States it must then be ratified by the voters before it becomes law.

There are usually three popular votes connected with a new or revised constitution: (1) the vote of the people authorizing a convention, (2) the election by the voters of delegates to the convention, and (3) the submission to the people for approval of the constitution framed by the convention.[1]

156. Partial Amendment. — In all States except New Hampshire the constitution may be changed by partial amendment, which method is used when only a few alterations are to be made. The details of this method are given below in order that the reader may learn in what manner the constitution of his State may be amended.

(1) Amendment by an affirmative vote of two successive legislatures, without being submitted to the voters.[2]

(2) Proposal by the legislature and confirmation by a vote of the people, but with the final determination left to the legislature.[3]

(3) Amendment proposed by the legislature, and approved by the voters, but with the amending process subject to such restrictions as to make constitutional changes difficult. Such restriction are of three kinds:

(*a*) Requirement of an affirmative vote by two successive sessions of the legislature for the proposal of amendments.[4]

(*b*) Limitations as to the number, frequency, or character of proposals.[5]

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[1] Some States dispense with the first vote, others with the third, and Mississippi dispensed with both the first and the third in 1890. On this occasion the legislature of Mississippi provided for an election at which delegates were chosen, and when the delegates had framed a constitution they adopted it without consulting the people.

[2] Delaware.

[3] Mississippi and South Carolina.

[4] Connecticut, Indiana, Iowa, Massachusetts, Nevada, New Jersey, New York, North Dakota, Pennsylvania, Rhode Island, Tennessee, Vermont, Virginia, and Wisconsin.

[5] Arkansas, Colorado, Illinois, Indiana, Kansas, Kentucky, Montana, New Jersey, Pennsylvania, Tennessee, and Vermont.

(*c*) Requirement of an affirmative vote by more than a bare majority of all persons voting upon the amendment — *e.g.*, by a majority of those who vote for officers at that election.[1]

(4) Unrestricted proposal of amendments by one legislature and their adoption by the vote of a majority of the persons voting thereon.[2]

The Initiative. — In addition to the foregoing methods of amending State constitutions a new way has developed since 1902, and is now practised by a number of States.[3] This new method is known as the *Initiative* because the proposed amendment is initiated by voters. When a prescribed per cent of the legal voters — *e.g.*, eight per cent in Oregon — desires to have any part of the constitution changed they sign a petition stating exactly what change they desire. This proposal is sent to the secretary of state, who places the proposed change upon the ballot for the next State election. If a majority of the voters cast their ballots in favor of the change the constitution is thus amended.

California has made a greater use of the constitutional initiative than any other State, and it seems to be satisfied with it because at the 1922 election the people voted by a substantial majority not to increase the number of petitioners necessary to place constitutional measures upon the ballot.

At this same election there were initiated ten proposed constitutional changes of which four were approved. The most popular of these, the one which permits State aid with money or credit to war veterans in acquiring or developing farms or homes, was carried by a vote of 434,043 to 180,639.

At this election the legislature of California submitted four-

[1] Alabama, Arkansas, Illinois, Indiana, Minnesota, Nebraska, New Mexico, Oklahoma, Rhode Island, Tennessee, and Wyoming.

[2] Arizona, California, Florida, Georgia, Idaho, Louisiana, Maine, Maryland, Missouri, Michigan, North Carolina, Ohio, Oregon, South Dakota, Texas, Utah, Washington, and West Virginia.

[3] For complete list of Initiative States see Section 244.

teen proposed amendments to the constitution of which five were accepted. Fifty per cent more persons voted upon the initiative proposals than upon the legislative proposals — probably because the legislative proposals dealt with governmental problems concerning which many people were uninterested or ignorant.

157. Present Tendencies. — Our early State constitutions were very brief, rarely containing more than 5000 words, but most of the State constitutions of to-day contain from ten to twenty times as many words as the original documents.

There are two reasons for this increase in length. First, the government performs so many more functions now than it did when the first constitutions were adopted. Second, the members of a constitutional convention now lack confidence in the ability of the ordinary member of a State legislature and think it best to include in the constitution itself many detailed laws which were originally left to be enacted by the legislature.

The constitution of Oklahoma, one of the more recent, goes into such minute detail as to enumerate the classes of persons who are permitted to accept railroad passes, and contains about 50,000 words. Laws which go into great detail need to be amended frequently, and since 1902 many States have adopted the easier method of amending their constitutions — the initiative method. And even those States which have not adopted the new method of amending their constitutions are obliged to resort to the old methods more frequently.

158. Authority of State Constitutions. — The constitution with its amendments constitutes the supreme law of the State, and it overrides any laws enacted by the legislature which conflict therewith. Whenever a legislature passes a law which conflicts with some provision of the constitution the first person who is in any way inconvenienced by the law may refuse to abide by it, and permit some one to sue him because he knows that the court will declare the law null and void, that is, of no force.

For example, a few years ago the legislature of New York State enacted a law providing that any employer whose work-

men are injured in certain enumerated dangerous pursuits, such as stone quarrying, must compensate the workmen by a money payment, whether the employer was at fault or not. The first employee who was injured demanded his money. The employer refused to pay him, claiming that the law was contrary to the constitution of the State. The workman sued the employer, but the highest court of the State (Court of Appeals) decided that the law did conflict with the constitution, was thus null and void, and could not be enforced.

The legislature still thought that there should be such a law; therefore two successive sessions proposed an amendment to the constitution and submitted it to the people. The majority of voters cast their ballots in favor of it, and thus changed the constitution so that the next legislature could enact the same workmen's compensation law, for it would no longer conflict with the constitution. The next legislature did pass the law, and to-day the courts enforce it.

159. Relative Rank of Laws. — The following outline shows the relative rank of laws in the United States:

United States Constitution.
United States statutes and treaties.
State constitutions.
State statutes.
County, town, or city statutes, called county "regulations" or "by-laws" and town or city "ordinances" or "by-laws."

The Constitution of the United States is the supreme law of the land, and every other law is subordinate to it. If Congress passes any statute which conflicts with the Constitution of the United States or if the President and Senate make any treaty which conflicts with the Constitution of the United States, such statute or treaty will not be enforced by the courts.

Likewise, if a State constitution contains any provision which is contrary to the Constitution of the United States or to a statute of Congress it cannot be enforced. Furthermore, if a

State legislature enacts a statute contrary to the Constitution of the United States, a statute of Congress, or a provision of the State constitution it cannot be enforced. Or if a county board or town or city council passes a by-law contrary to any of these laws, it is void and the courts will not enforce it.

It is impracticable to write definite laws regulating in detail all possible human actions; so in addition to the written laws we have a set of rules and principles which are not written in any definite form but are enforced by the government. These rules and principles grew out of custom and court decisions in England during a number of centuries, and because they were uniform throughout all England they were called *common law*.[1] When the American States became independent of England they retained the English common law to supplement their definite written laws.

As each American State has a distinct system of courts the common law rules and principles have become different in some details in the various States; but as decisions of the courts of each State are known to the judges of the courts of each of the other States these rules and principles remain very much the same throughout the country.[2]

If there is a case in court for which there is no definite written law it must be decided according to the rules of common law. Occasionally a case arises which is unlike any previous case; for instance, a suit growing out of the collision of an airplane with a balloon. In the absence of an expressed law governing such a collision, the rules establishing a standard of care in the case of steamships and sailing vessels might be applied. The rules of the sea have long required the steamship to give the sailing vessel the right of way; likewise, by analogy, airplanes should be responsible for avoiding collisions with balloons because the latter are the less easily managed.

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[1] Equity is similar to common law, see Sec. 182.

[2] Louisiana, which State obtained its system of laws from France, is the only one that did not adopt the common law.

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A copy of the State constitution can usually be obtained gratis from the Secretary of State.

Questions on the Text

1. What is a State constitution?
2. Of what six parts does a State constitution commonly consist?
3. For what purpose is a constitutional convention assembled?
4. What part do the voters usually take in making a new constitution?
5. What is meant by *partial amendment* of a State constitution? Describe in detail how it is accomplished in the State in which you live.
6. What new way of amending constitutions has developed since 1902? Explain this method.
7. What are some of the present tendencies of State constitutions?
8. If you are in any way inconvenienced by an act of the legislature which is contrary to the constitution, need you abide by it?
9. If a law is declared unconstitutional is there any possibility of making it constitutional?
10. Name the various kinds of laws in the United States according to their relative rank of importance.

Questions for Discussion

1. The members of the English House of Commons are elected for a term not exceeding five years. When the five-year term expired in 1915 the House continued to sit without an election because of the war condition. Could the United States House of Representatives prolong its term of office with the assent of the Senate? (See U. S. Constitution, Art. I, Sec. 2.)
2. Suppose South Carolina should add an amendment to its constitution depriving negroes of the right to vote. Would this be a valid law? (See Amendment XV.)
3. The constitution of New Jersey restricts the right of suffrage to male persons 21 years of age. Does this law prevent women from voting in New Jersey now? (See Amendment XIX.)

4. The constitution of Virginia, until recently amended, provided that all cities of the first class should be governed by a two-body council. Staunton, Virginia, a city of the first class, desired to be governed by a single body commission. Could it be so governed?

5. If Congress defines intoxicating liquor as one containing a certain per cent of alcohol and the legislature of New Jersey defines it as liquor containing a larger per cent of alcohol, what legal question is involved?

6. When and under what circumstances was the constitution of your State adopted? Was it approved by the people? Prepare a brief outline of it showing the main topic of each division and article.

7. The contents of State constitutions are becoming very similar to ordinary statutes, and since the method of changing them, by the initiative, is that which is commonly used for ordinary statutes, do we any longer need these constitutions? If State constitutions were abolished would it make the governments more or less democratic?

8. In a number of State legislatures the cities are not represented in proportion to population because the legislators from the country who now dominate the legislature are unwilling to increase the legislative influence of cities. What effect would the introduction of the constitutional initiative have upon the representation of cities in a State where the city voters are in the majority?

9. Prepare a brief constitution for a baseball team or a basket-ball team.

10. How may new States be formed out of old States? (See U. S. Constitution, Art. IV, Sec. 3.) If the legislatures of New York and Illinois were willing for New York City and Chicago to become separate States, do you believe Congress would create new States of these cities? Would the House or Senate of Congress be more favorable to the admission of these proposed new States?

11. Would you have supported the following constitutional amendments approved by the voters in 1924:

Minnesota authorizes reforestation laws, including irrepealable provisions for definite and limited taxation during a term of years, and a yield tax on timber products thereafter.

Florida forbids a State inheritance or income tax and exempts from taxation $500 worth of household furniture.

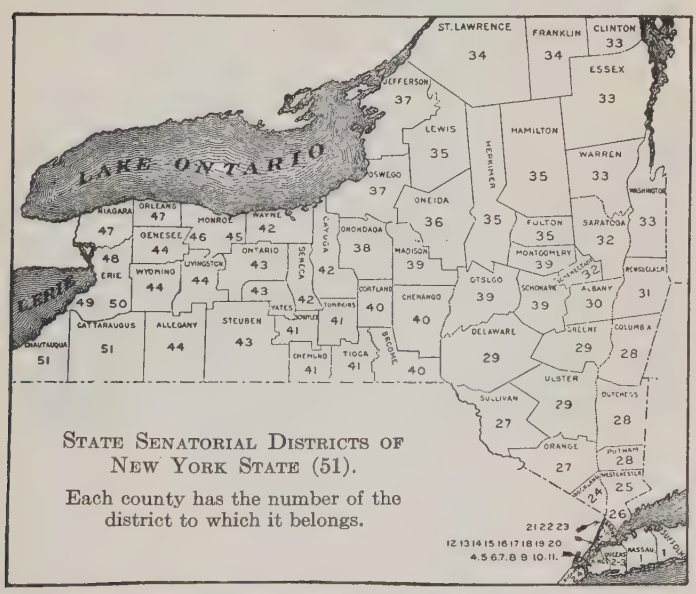
Is Florida in a position to profit by the above tax exemption as your State is not?

12. In California, in 1924, a constitutional initiative providing for the taxation of the gross receipts of bus lines was defeated in a close vote. How would you have voted?

CHAPTER XIX

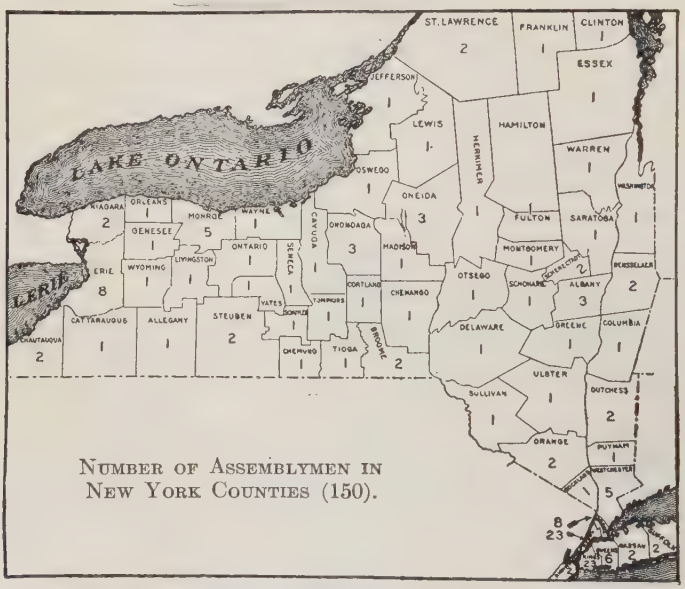
STATE LEGISLATURES

160. Structure of State Legislatures. — Every State has a legislative body. In twenty-three of the States this body is known as the "Legislature," in twenty as the "General Assembly," in three as the "Legislative Assembly," and in New



Hampshire and Massachusetts as the "General Court." In each State the legislative body is composed of two houses — the Senate and House of Representatives. In six States, however, the lower house is known as the "Assembly," and in three as the "House of Delegates."

161. Membership of State Legislatures. — The *Senates* vary in membership from 17 in Nevada to 67 in Minnesota. In some States one senator is elected from each county, but most States are divided into Senatorial Districts of about equal population. Senators are elected for terms of 4 years in 31 States, 2 years in 16 States, and 3 years in New Jersey.



NUMBER OF ASSEMBLYMEN IN NEW YORK COUNTIES (150).

The membership of the *House of Representatives* varies from 35 in Delaware to 422 in New Hampshire. In some States one or more representatives are elected from each county or each township, whereas other States are divided into House Districts of about equal population.

From time to time the legislatures create new Senate and House districts which correspond to the changed distribution of population. As the cities grow in population the rural county representatives commonly refuse to increase city representation proportionately for fear that the counties will be controlled

by the cities. An especially unfair apportionment is called a "gerrymander." (See Sec. 35.)

In most States any qualified voter is eligible to membership in the Senate or House, but in some States the age qualification for the Senate is higher than that for the House. The members, either by law or custom, usually reside in the districts from which they are elected.

New York State Capitol.

162. Legislative Sessions. — The legislatures of six States meet annually, that of Alabama quadrennially, and those of all other States biennially. Every odd-numbered year forty-one legislatures convene — thirty-nine of them in the month of January. Many State constitutions absolutely limit the sessions to a definite number of days, others allow no compensation after the prescribed number of days. However, there is a tendency to remove the restriction because many of the

bills which are rushed through the last days do not receive careful consideration. For any special or urgent purpose the governor may call an extra session.

163. Privileges, Immunities, and Compensation of Members. — State constitutions usually provide that for any speech or debate in either house a member may not be questioned in any other place; and that members are not subject to arrest under any civil process during any legislative session or coming thereto or going therefrom. This latter privilege amounts to scarcely anything to-day, for a member who commits treason, felony, or breach of the peace may be arrested like any other individual.

In each state the salary of members of both houses is always the same. In some States it is determined by the legislature, while in others it is prescribed by the constitution. It varies from $3 per diem while in session in Kansas to $3500 per session in Illinois.

164. Powers of State Legislatures. — According to the tenth amendment to the Constitution of the United States "the powers not delegated to the United States by the Constitution, or prohibited by it to the States, are reserved to the States, respectively, or to the people." (See Sec. 24.) State constitutions confer all of this reserved law-making power upon the legislatures, except as to certain specified matters reserved to the voters which may be altered only by changing the constitution.[1]

The legislatures do not attempt to exercise all of their powers, but delegate a portion of them to other local legislative bodies in counties, townships, school districts, cities, and towns or villages.

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[1] The following restrictions are commonly placed upon State legislatures by State constitutions:

1. The Bill of Rights guarantees freedom of the press and speech, religious liberty, jury trial, right to the writ of *habeas corpus*, etc., and prohibits the taking of private property for a public purpose without compensation.
2. Other parts of the constitution:
   (*a*) Prohibit special privileges to corporations.
   (*b*) Limit State debts and compel regular payment of interest and principal.

The county board and the city council are examples of minor legislatures which derive all of their powers from general or special laws framed by a legislature, except a few which are bestowed directly through the constitution.

Texas State Capitol at Austin.

Of course it is impossible to enumerate the powers of the State legislatures because they may enact any laws which are

(*c*) Prescribe qualifications for voters and define terms and duties of certain officers.

(*d*) Prescribe certain rules for local government, public education, and public institutions.

(*e*) Place certain restrictions upon the passage of special or local laws, that is, laws applying to some particular person, corporation, or locality — township, county, or city. As an illustration of the need of such restrictions, some years ago the legislature of Pennsylvania compelled Philadelphia to build a city hall costing millions of dollars, which was larger and more extensive than the city needed or would have otherwise built.

STATE LEGISLATURES

STATE	ANN. OR BIEN.	LIMIT OF SESSION	NO. OF MEMBERS IN SENATE	NO. OF MEMBERS IN HOUSE	TERM OF SENATORS (YEARS)	TERM OF REPRESENTATIVES (YEARS)	SALARY OF MEMBERS
Alabama	Quad.	50 days	35	106	4	4	$4 per diem
Arizona	Bien.	60 days	19	47	2	2	$7 per diem
Arkansas	Bien.	60 days	35	100	4	2	$6 per diem
California	Bien.	None	40	80	4	2	$2400 bien.
Colorado	Bien.	None	35	65	4	2	$1000 bien.
Connecticut	Bien.	155 da.	35	262	2	2	$300 ann.
Delaware	Bien.	60 days	17	35	4	2	$10 per diem
Florida	Bien.	60 days	38	91	4	2	$6 per diem
Georgia	Bien.	60 days	51	208	2	2	$7 per diem
Idaho	Bien.	60 days	44	62	2	2	$5 per diem
Illinois	Bien.	None	51	153	4	2	$3500 ses'n
Indiana	Bien.	60 days	50	100	4	2	$6 per diem
Iowa	Bien.	None	50	108	4	2	$1000 ses'n
Kansas	Bien.	50 days	40	125	4	2	$3 per diem
Kentucky	Bien.	60 days	38	100	4	2	$10 per diem
Louisiana	Bien.	60 days	39	100	4	4	$10 per diem
Maine	Bien.	None	31	151	2	2	$400 ses'n
Maryland	Bien.	90 days	29	118	4	4	$5 per diem
Massachusetts	Ann.	None	40	240	2	2	$1500 ann.
Michigan	Bien.	None	32	100	2	2	$800 ses'n
Minnesota	Bien.	90 days	67	131	4	2	$1000 ses'n
Mississippi	Bien.	None	49	139	4	4	$750 ses'n
Missouri	Bien.	70 days	34	150	4	2	$5 per diem
Montana	Bien.	60 days	56	102	4	2	$10 per diem
Nebraska	Bien.	None	33	100	2	2	$800 ses'n
Nevada	Bien.	60 days	17	37	4	2	$10 per diem
New Hampshire	Bien.	None	24	422	2	2	$200 ann.
New Jersey	Ann.	None	21	60	3	1	$500 ann.
New Mexico	Bien.	60 days	24	49	4	2	$5 per diem
New York	Ann.	None	51	150	2	1	$1500 ann.
North Carolina	Bien.	60 days	50	120	2	2	$4 per diem
North Dakota	Bien.	60 days	49	113	4	2	$5 per diem
Ohio	Bien.	None	35	130	2	2	$1000 ann.
Oklahoma	Bien.	60 days	44	107	4	2	$6 per diem
Oregon	Bien.	40 days	30	60	4	2	$3 per diem
Pennsylvania	Bien.	None	50	208	4	2	$2500 ses'n
Rhode Island	Ann.	60 days	39	100	2	2	$5 per diem
South Carolina	Bien.	None	46	124	4	2	$400 ses'n
South Dakota	Bien.	60 days	45	103	2	2	$5 per diem
Tennessee	Bien.	75 days	33	99	2	2	$4 per diem
Texas	Bien.	60 days	31	150	4	2	$5 per diem
Utah	Bien.	60 days	20	55	4	2	$4 per diem
Vermont	Bien.	None	30	248	2	2	$400 ses'n
Virginia	Bien.	60 days	40	100	4	2	$500 ses'n
Washington	Bien.	60 days	42	97	4	2	$5 per diem
West Virginia	Bien.	60 days	30	94	4	2	$500 ann.
Wisconsin	Bien.	None	33	100	4	2	$500 ses'n
Wyoming	Bien.	40 days	27	62	4	2	$12 per diem

not denied them by the Constitution or laws of the United States or by the constitutions of the respective States, but examples can be given of subjects concerning which they legislate. Such examples are taxation; civil matters, such as contracts, real and personal property, inheritances, mortgages, corporations, marriage, and divorce; crimes for which fines, imprisonment, or death are imposed; "police regulations," such as morals, public health, business or professional regulations, or any general welfare rule which restricts a person's inclination to do as he pleases.

165. Organization of State Legislatures. — Each house of the State legislatures commonly has power to select its own officers, except that some States have a lieutenant-governor provided for in the constitution who presides over the upper chamber. (See Sec. 177.) It also determines its own rules of procedure and the qualifications of its members, and by a certain prescribed majority, usually two thirds, may expel members. Legally the speaker of the House and the president or chairman of the Senate, except where there is a lieutenant-governor, are elected by the respective houses over which they preside, but practically they are chosen in a party caucus. (See Sec. 57.)

The officers of each house of the State legislatures are very similar to those of Congress and their duties are about the same. (See Sec. 51.) For instance, the speaker is presiding officer of the House and has power to refer bills to committees, but unlike the speaker of the United States House of Representatives he has in nearly all States power to appoint the committees. Each house has a clerk and a sergeant-at-arms and numerous other officers varying in number from 21 in Delaware to 315 in Missouri.

The committee system in State legislatures is also very similar to that of Congress. (See Sec. 53.) Here also most committee meetings are held in secret and their votes upon measures are not recorded in a majority of the States. It is by these committees that popular measures are so often defeated. For instance, a common method of preventing the passage of a bill

is for the speaker to refer it to the Judiciary Committee, claiming it to be of doubtful constitutionality, but really desiring to prevent the bill from coming to a vote. The majority of this committee is naturally composed of friends of the speaker inasmuch as he appoints them, and he can usually count upon them to " pigeon-hole " any such bill and fail to report upon it. Thus it dies and it is buried in the committee. Because of the great number of deserving bills which are buried in this committee it is often spoken of as " the graveyard committee."

Ex-Governor Sulzer of New York, who has had considerable opportunity to observe actual methods of legislation, has said: " The crooked work in legislatures is all, or nearly all, done in committees. People who take an intelligent interest in public affairs think they have made a great step when they have the public watching the legislature. They have, but a greater step will have been made when they have the public keeping the spot light on legislative committees and particularly the chairman. For immediately behind the chairman of the committee will be found the Big Boss."

In Massachusetts especially, committee hearings are a very important part of legislative action. Notice of all hearings is given in the public press, and the committee meetings are well attended, not only by people who have an ax to grind, but by citizens of the State who interest themselves in legislative reforms. All testimony brought before the committee is carefully weighed; in fact, the legislature and its committees assume rather a judicial attitude. Petitions are brought before them, testimony is given, arguments are made, and they generally decide the matter upon the basis of all these considerations. In this State considerable use is made of joint committees from the two houses, which is an approach to a one house system.

166. How Bills Become Laws. — *Preparation of Bills.* — The State legislatures may represent the average honesty and intelligence of the people, but few legislators are capable of preparing their bills in unmistakable language or in accordance with

superior law.[1] For some years the members of our legislatures drafted their own bills, the lawyer members or some legislative clerk assisting the inexperienced.

After the development of large corporations their lobbyists, or legislative agents, often prepared bills free for members whose acquaintance and good-will they desired. To-day half of the States have trained assistants whose duty it is to put in clear legal form the ideas that members wish to enact into statutes. The assistant is ordinarily connected with a legislative reference bureau.

A *Legislative Reference Bureau* is a library or division of a library especially equipped to assist legislators. Such a bureau collects references, summaries, files, card indexes, court decisions, newspaper clippings, magazine articles, reference books, government reports, bills introduced into other legislative bodies, governors' messages, platforms of political parties, and any other information available for legislators. Since 1890 thirty-odd States have undertaken this work on varying scales, usually in coöperation with the State library.

Introduction of Bills. — Any member of either house may introduce as many bills as he chooses. In introducing bills the members merely file them with the clerk. Some legislatures prohibit the introduction of bills after the legislature has been in session a certain number of days; others require that bills of a local or private character must be announced in the locality to be affected; and others require that local bills receive a two-thirds vote of each house instead of a bare majority, which is sufficient for public bills.

As the passage of a bill through a State legislature is so similar to the procedure of Congress it need not be described here in detail. (See Sec. 55.)

On account of the large number of bills introduced at each session of the State legislature it would be impossible for

[1] *Superior law* means the Constitution of the United States, laws of Congress, treaties, and the State constitution.

the committees to give consideration to all of them. Therefore those bills which are not introduced by prominent members or backed by influential lobbyists are commonly not seriously considered and are said to be "pigeon-holed." Other bills which the committees do not favor but feel obliged to report upon are often intentionally reported too late to be considered by the houses.

167. Lobbying. — The practice of frequenting lobbies [1] or any other convenient places for the purpose of persuading legislators to vote for or against certain bills is known as *lobbying*. For instance, tax reduction leagues, schools of higher education, the Anti-Saloon League, railroads, and many other organizations interested in legislation — good or bad — send agents to State capitols to frequent the legislative halls for the purpose of influencing legislative votes. All such agents engaged in lobbying at the capitol are known as *lobbyists*.

The State of Wisconsin requires lobbyists to register their names and that of the organization which they represent. The register is open to public inspection. Thus the State is endeavoring to give publicity to the lobbyists who have been responsible for much bad legislation.

168. The Referendum. — In one third of the States the Governor is not the only authority that can prevent a bill which has passed the legislature from becoming law.[2] In these States a device known as the *referendum* permits a small percentage of the voters to require the reference of any act passed by the legislature to all of the voters for approval or rejection. The referendum thus enables the voters to reject undesired legislation.

In 1922, a year when the majority of the legislatures were not in session, forty legislative statutes were referred to the people either by the legislature or by petition. Of these thirty-one

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[1] A *lobby* is an anteroom or corridor communicating with the main assembly room, or else a part of the room itself to which the public is admitted and which is usually railed off from the part used for the assembly.

[2] For list of Referendum States see Section 244.

were rejected by the voters. The largest number of votes cast on any of these measures was in California where the prohibition enforcement act was sustained by 407,952 to 378,331. This measure provides that the State prohibition law shall be the same as the Federal prohibition law — the Volstead Act.

In 1924 the voters of New York and of Illinois approved the following bond issues referred to them by their legislatures with overwhelming majorities:

		Yes	No
New York	Authorizing a bond issue of $15,000,000 for State parks	1,542,928	556,920
Illinois	Authorizing a bond issue of $100,000,000 for a State-wide system of hard roads	1,561,637	544,250

169. The Initiative. — All the States which have the State-wide referendum, except Maryland and New Mexico, also have the State-wide *initiative*,[1] which is a device whereby a small percentage of voters may initiate a law and have it referred to all of the voters for their acceptance or rejection. Thus, if a legislature will not enact a law which a certain per cent of the voters think the majority favor, they can have the prescribed per cent sign a petition, and the measure will be referred to the voters at the next election. This is known as *direct legislation.*

In 1922 there were very few statutes initiated, but South Dakota, the first State to adopt the initiative, defeated the following initiated measures:

	Yes	No
Authorizing State to erect and operate hydro-electric plant	54,907	105,620
Abolishing State constabulary	63,583	93,671
Introducing theatricals on Sunday	56,606	98,925
Authorizing State to engage in banking	32,881	121,566
Moving State University to Sioux Falls	12,019	137,675

170. Commission Government for States. — Believing that the State legislatures are no longer able to carry out the various duties which new conditions impose upon them, Governor

[1] For a complete list of Initiative States see Section 244.

Hodges of Kansas sent a special message to the Kansas legislature on March 10, 1913, containing the following passage:

"In common with a large and growing number of thoughtful people I am persuaded that the instrumentalities for legislation provided for in our State constitution have become antiquated and inefficient. Our system is fashioned after the English parliament, with its two houses based upon the distinction between the nobility and the common people, each House representing the diverse interests of these classes. No such reason exists in this State for a dual legislative system, and even in England at the present time the dual system has been practically abandoned and the upper House shorn of its importance, and I believe that we should now concern ourselves in devising a system for legislating that will give us more efficiency and quicker response to the demands of our economic and social conditions and to the will of the people. . . .

"You senators and representatives cannot but have observed the defects of our present system. In a short session of 50 days you are required to study and pass upon hundreds of measures, and the hurry with which this must be done must of necessity result in a number of more or less crude and ill-digested laws, which often puzzle learned jurists to interpret with anything like satisfaction to themselves or to the public. Hundreds of measures also, embodying important legislation, die on the calendar every two years. After a brief session the Legislature adjourns, and the business of one coördinate branch of the State government is absolutely abandoned for a whole biennium, unless the Legislature is convoked in an expensive extraordinary session by the governor. It is as if the head of an important department of some big business should give only 50 days every two years to its management.

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"For myself, I can see no good reason why this new idea of government by commission should not be adopted for the transaction of the business of the State. Two years ago I suggested a single legislative assembly of thirty members from thirty legislative districts. I am now inclined to believe that this number is too large and that a legislative assembly of one, or at most two, from each Congressional district would be amply large. My judgment is that the governor should be *ex officio* a member and presiding officer of this assembly, and that it should be permitted to meet in such frequent and regular or adjourned sessions as the exigencies of the public business demand; that their terms of office be for four or six years, and that they be paid salaries sufficient to justify them in devoting their entire time to the public business. Such a

legislative assembly would not, I believe, be more expensive than our present system. It would centralize the responsibility and accountability, and under the check of the recall would be quickly responsive to the wishes of the people."[1]

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Questions on the Text

1. By what name is the legislature of the State in which you live known? The upper house? The lower house?
2. How many members are there in the upper house of the legislature of the State in which you live? The lower house?
3. How many senators are elected from the senatorial district in which you live? How many representatives?
4. How often does the legislature meet in the State in which you live? When? Is the length of the session restricted? How may an extra session be called?
5. What special privileges and immunities do State legislators enjoy?
6. What salary do legislators receive in the State in which you live?
7. What restrictions are there upon the legislative powers of the legislature of the State in which you live?
8. What legislative power may counties, townships, and cities exercise?
9. Mention a number of subjects which may be legislated upon by State legislatures.
10. How are the two houses of a State legislature organized and what control have they over their own members?

[1] So far the State of Kansas has taken no serious action upon this recommendation, but the question has been voted upon by the people of two other States, Oregon and Oklahoma. In Oregon an initiative amendment to abolish the State senate was defeated by the people at the November election, 1914. In Oklahoma an initiative amendment to establish a one-body legislature of 80 members was voted on at the same time. The vote in favor of the amendment was 94,636, that against it only 71,742, but since 94,636 was not a majority of all the votes cast at that election the amendment was lost because Oklahoma requires a majority of the total number of votes cast at the election to amend its constitution.

11. Who is the presiding officer of the lower house in the State in which you reside? Of the upper house? How are they selected? What powers do they have? May they vote?

12. Name some other legislative officers.

13. How are committees chosen? Name several important committees of the legislature of the State in which you live. Do all State legislatures have the same kind of committees?

14. What is the defect of our committee system, according to ex-Governor Sulzer of New York?

15. What is a joint committee?

16. Explain how committee hearings are conducted in Massachusetts.

17. How are bills proposed?

18. What is a legislative reference bureau? Does the State in which you live have one?

19. Who may introduce bills? What restrictions do some legislatures have regarding the introduction of bills?

20. Name the stages through which a bill passes in becoming law.

21. What is meant by *lobbying?* How does Wisconsin regulate the practice of lobbying?

22. Explain the referendum. The initiative. Does the State in which you live have either or both?

23. Explain Governor Hodges' criticism of State legislatures and his proposed remedy for the evils of the present system.

Questions for Discussion

1. Bound the senatorial district in which you live. Who is your State senator?

2. Bound the house district in which you live. Name your representative or your representatives.

3. Has the State in which you live been "gerrymandered" for the advantage of either party, or for the advantage of the rural districts over the cities?

4. If the salary of a State legislator is low it will not prevent candidates who have special interests from seeking election, but what effect does the low salary have upon one who is not backed by any special interests? Will a legislator who receives a low or a high salary be more likely to vote as the people desire?

5. State constitutions commonly restrict the session of State legislatures to 60 days, which means that bills must be passed or rejected because of the calendar rather than after due consideration. Would it not be well for all States to pay their legislators by the year and permit them to prolong the session as long as need be?

6. In the United States there are 48 State legislatures. Do you think this is too many? For instance, if one legislature made laws for all New England, would it not save expense and the confusion resulting from six different sets of laws?

7. Pennsylvania employs 257 legislators divided into a senate and a house, a governor, and a supreme court to provide its laws. The two legislative bodies are supposed to check each other; the governor with his veto checks them both; and the supreme court checks them all by decisions as to the constitutionality of legislative acts. The salary of the legislators alone amounts to about $400,000 annually. According to the recommendations of ex-Governor Hodges of Kansas how might this method of law-making be improved?

8. Experienced legislators cannot be elected, but they can be re-elected until they become skilful legislators. What is the inference of this statement?

9. The National Voters' League once prepared a bulletin, called the "Searchlight on Congress," which gave the votes of each congressman upon all important measures that came up during his term of office. Is there any organization in the State in which you live to inform you as to the record of your State legislators? Should there be?

10. If possible examine a copy of the acts of the legislature and mention a few of the laws passed at its last session. (Any lawyer, court clerk, or justice of the peace should have a copy.)

11. Do you think a legislator should vote according to the will of the majority of his constituents or that he should use his own discretion regardless of their wishes?

12. Why may one fifth of the members voting in either house of the State legislature demand that the vote of each member be recorded in the journal?

13. The constitution of Idaho (Art. V, Sec. 25) requires the judges of her trial courts to report annually to her supreme court such defects and omissions in the State constitution or statutes as they have observed. The supreme court considers these suggestions and makes recommendation to the governor for suitable legislation. Do you favor this practice?

14. Draft a bill in due form for the enactment of any law which you would like to see passed by your State legislature. Be careful to prepare a measure which does not conflict with any higher law. The wording should begin: "Be it enacted by the legislature of the State of ——, that," etc.

CHAPTER XX

STATE GOVERNORS

171. The Office of Governor. — Every State has a governor as its chief executive officer. He is elected by the voters of the State.[1] During colonial days the royal governors did the bidding of the King and often merited the dislike of the people.

GOVERNOR'S MANSION, ANNAPOLIS, MARYLAND.

When the colonists grew weary of British rule their legislatures were able to protect them against despotic acts of the governors.

Thus when they gained their independence they naturally

[1] In Mississippi the Governor must receive a majority of the popular votes of the State as in all other States, but in addition to this requirement he must receive a majority of popular votes in more than half of the districts from which representatives are elected for the most numerous branch of the legislature.

STATE GOVERNORS

STATE	CAPITAL	TERM OF SERVICE (YEARS)	ANNUAL SALARY
Alabama	Montgomery	4	$ 7,500 and residence[1]
Arizona	Phœnix	2	6,500
Arkansas	Little Rock	2	4,000 and house rent
California	Sacramento	4	10,000 and residence
Colorado	Denver	2	5,000
Connecticut	Hartford	2	5,000
Delaware	Dover	4	4,000
Florida	Tallahassee	4	9,000 and residence
Georgia	Atlanta	2	7,500 and residence
Idaho	Boise	2	5,000
Illinois	Springfield	4	12,000 and residence
Indiana	Indianapolis	4	8,000 and residence
Iowa	Des Moines	2	6,200 and house rent
Kansas	Topeka	2	5,000 and residence
Kentucky	Frankfort	4	6,500 and residence
Louisiana	Baton Rouge	4	7,500 and residence
Maine	Augusta	2	5,000 and residence
Maryland	Annapolis	4	4,500 and residence
Massachusetts	Boston	2	10,000
Michigan	Lansing	2	5,000
Minnesota	St. Paul	2	7,000
Mississippi	Jackson	4	7,500 and residence
Missouri	Jefferson City	4	5,000 and residence
Montana	Helena	4	7,500 and residence
Nebraska	Lincoln	2	7,500 and residence
Nevada	Carson City	4	7,000 and house rent
New Hampshire	Concord	2	3,000
New Jersey	Trenton	3	10,000
New Mexico	Sante Fe	2	5,000 and residence
New York	Albany	2	10,000 and residence
North Carolina	Raleigh	4	6,500 and residence
North Dakota	Bismarck	2	5,000 and residence
Ohio	Columbus	2	10,000 and residence
Oklahoma	Oklahoma City	4	4,500
Oregon	Salem	4	7,500
Pennsylvania	Harrisburg	4	18,000 and residence
Rhode Island	Providence	2	8,000
South Carolina	Columbia	4	5,000 and residence
South Dakota	Pierre	2	3,000 and house rent
Tennessee	Nashville	2	4,000 and residence
Texas	Austin	2	4,000 and residence
Utah	Salt Lake City	4	6,000
Vermont	Montpelier	2	3,000
Virginia	Richmond	4	5,000 and residence
Washington	Olympia	4	6,000 and residence
West Virginia	Charleston	4	10,000 and residence
Wisconsin	Madison	2	5,000 and residence
Wyoming	Cheyenne	4	6,000 and residence

[1] Furnishings, heat, and light are usually supplied, and the wages of servants are paid in some States.

regarded governors with suspicion and looked upon the legislatures as guardians of their liberty. Therefore governors were granted little power in the early constitutions. In addressing the Federal Constitutional Convention of 1787 Madison said, "The executives of the States are in general little more than ciphers; the legislatures are omnipotent."

However, the public have gradually lost confidence in their State legislatures because the character of the legislators has deteriorated. This is due to the fact that the States extended suffrage more rapidly than they educated the voters in the proper use of the ballot. Prejudice against governors has disappeared, and it is realized that it is easier to elect one honest and efficient leader who can be held responsible to the people than it is to elect numerous responsible legislators.

So, recently the governors have been regarded as the guardians of the people's liberty. Such governors as Roosevelt and Hughes of New York, La Follette of Wisconsin, and Woodrow Wilson of New Jersey, have exalted the office of governor in the public mind; and constitutional changes have increased the legal powers of the occupant.

172. The Governor's Powers. — The powers of a governor are usually classified under three heads: (1) executive powers, such as appointing officers and seeing that the civil and criminal laws of the State are enforced; (2) legislative powers, such as sending messages to the legislature and vetoing objectionable laws; and (3) judicial powers, such as pardoning persons convicted of crime.

173. Executive Powers of the Governor. — A State constitution almost invariably provides that the governor shall take care that the laws of the State are faithfully executed, but to him is never given such power for the performance of this duty as is given to the President of the United States. (See Sec. 63.)

Practically all of the most important State officers, such as the secretary of state, attorney general, auditor, and treasurer, are elected by the people. Judges are elected by the people in

most States. Sheriffs and state's attorneys are elected by the people with few exceptions. Thus, the governor is merely one of a number of officers whom the people elect to enforce the laws, and if the other officers do not perform their duties in an efficient and honest manner the governor is often helpless.

A story is told of a sheriff who permitted a prisoner to be taken from his jail and lynched. The governor wrote a letter to the sheriff reprimanding him for his neglect of duty. The sheriff promptly replied by telling the governor to mind his own business; that he was responsible to the people of his county who had elected him and to nobody else. According to the law of his State the sheriff was right. It may be said that a governor is the captain of a Ship of State which is navigated by a crew that he does not select, and over which he has few powers of command.

Photo by Underwood and Underwood.

A Mounted Squad of Pennsylvania State Police.

As commander-in-chief of the State militia the governor has a real power. When a riot occurs, when a prisoner is in danger of being lynched, or when a strike cannot be handled by local officers the governor may call out the militia.

State Police. — Some of the States have regular State police. For example, the governor of Massachusetts has a small body of State police to assist him in the enforcement of the State laws. It acts as a detective force to aid in the suppression of disorder and in the enforcement of criminal laws. It also performs such other functions as the inspection of factories and the investiga-

tion of fires. The governor of Texas has four companies of Rangers to patrol the Mexican Border. The largest State police forces are those of Pennsylvania and New York.

The Pennsylvania State Police Force was created in 1905. Previously the governor was supposed to maintain peace and order throughout the entire State — 45,000 square miles — with

State Police Off to Answer a Hurry Call.

no one to assist him but his secretary and his stenographer, as one governor jocularly remarked.

This force of 422 officers and men is divided into five troops, which occupy barracks in different sections of the State. There are also numerous sub-stations in the region of each barrack. These police not only act upon the orders of the governor, but coöperate with peace officers of any community to prevent riots, lynchings, or unusual crimes. Disguised as civilians, they often detect serious crimes, where county detectives are not provided. They enforce motor-vehicle laws, quarantines, school laws, and

dog laws. They raid disorderly resorts, gambling houses, and "bootlegger" joints; pursue criminals; act as game and fish wardens; and extinguish forest fires.

Members of this force are carefully selected and instructed in their duties. They are required to pass a mental and physical examination and to prove their honesty, moral character, and sobriety. They must also undergo a course of study given by the School Troop in the following subjects: cavalry drill, horsemanship, practical self-defence, and marksmanship; criminal law, fish, game and forestry law; investigation of crimes and criminal procedure; methods of handling individuals, crowds, and mobs; geography and civil government.

The New York State Police, with their 348 men organized into six troops, rival those of Pennsylvania. They patrol the Canadian border, patrol highways with loadometers to prevent injury to the roads by the overloaded trucks, protect railroads against freight thefts, enforce sanitary and fire protection of moving picture theatres and dance halls in small towns, prevent cruelty to animals, look after poor and destitute families, recover millions of dollars' worth of stolen property including hundreds of automobiles, reduce crimes, etc.

Appointments. — The power of the governor to make appointments is slightly on the increase, though he usually does not have power to remove most of those whom he appoints; and as the appointments are distributed through his term he is appointing as many officers to serve for his successor as for himself.

Institutions. — State benevolent, educational, and penal institutions have commonly been administered by a great number of boards appointed by the governor. The system has proved inefficient and expensive, and many of the States have centralized the control of these institutions in an ex-officio or appointive board of control. An interesting example of this is the Board of Administration created in Kansas in 1917. This board is composed of four members, of whom the governor is

one and chairman. The other three members are appointed by the governor and senate. It supersedes the separate boards for the benevolent, educational, and penal institutions of the State. The law requires this board to employ a business manager for all the institutions under its control, who is expected to be the real administrative head of the board.

174. Legislative Powers of the Governor. — The governor is considered the head of the executive branch of government, yet his legislative powers have increased more rapidly than his executive powers. He has three legislative powers: (1) to send messages to the legislature, (2) to call an extra session of the legislature, and (3) to veto bills passed by the legislature.

Governor's Messages. — The message power has not been used by governors to the extent that the constitutions allow. A weak governor will send a formal message to the legislature when it meets, recommending legislation which the annual reports of the State officers bring to his attention. His message is read to the two houses sitting together, and the various recommendations are distributed to the appropriate legislative committees by the Speaker of the House of Representatives. This is often the end of the matter. The governor has done "his duty" — no more.

A strong governor will send a number of short messages, and "get back of them" — one at a time. In fact, a governor has the right to make his recommendation in the form of a bill if he chooses, but it is wiser to take a number of members into his confidence and have a chairman of a legislative committee introduce a bill containing his ideas.

In 1913 the Illinois House of Representatives adopted a rule providing that a bill which a governor has had introduced shall have precedence in the consideration of the house over all other measures except appropriation bills.

Extra Sessions. — For any reason that a governor thinks sufficient he may call an extra session of the legislature. When Roosevelt was governor of New York he recommended a certain tax reform when the legislature was in session. The legislature

failed to enact it, therefore he called them back in extra session to consider this particular bill. The governor of Colorado called a special session to consider the settlement of large labor strikes. Extra sessions are rather common, especially in Alabama, where the legislature meets in regular session only once in four years.

The Veto. — With the exception of North Carolina all States give the governor power to veto bills passed by the legislature, though such veto may be overridden by a subsequent vote of the legislature.[1] When a bill is sent to the governor for his signature he is allowed a period varying from three to ten days in which to consider it before taking action. In case the governor does not approve a bill he may veto it in its entirety, but in South Carolina and Washington he is allowed to veto any portion of any bill if he so desires.

In order to check extravagance most of the States allow the governor to veto specific items in a general appropriation bill. However, this power of the governor encourages legislators to vote appropriations in excess of the revenues in order to comply with the wishes of the various institutions seeking State aid, and thus " put it up to the governor " to veto numerous items so that the total amount appropriated will come within the revenues of the State.

175. Judicial Powers of the Governor. — Nearly all of the governors have some power of mercy towards persons accused or convicted of crime. It may be to remit fines, to shorten jail or penitentiary sentences, to pardon a prisoner conditionally or absolutely, to postpone the execution of a death sentence, or to change a death sentence to a penitentiary sentence. That is, a governor may have all or some of these powers, but these powers are commonly shared by a State board of pardons. Re-

[1] In two thirds of the States the legislatures are permitted to override the veto of the governor by the repassage of a vetoed bill with a two-thirds vote in each house. In Delaware, Maryland, and Nebraska a majority of three fifths is required, and in a few States a bare majority is sufficient to overcome his veto.

cently a governor of New York pardoned a prisoner on condition that he would not make capital of his notoriety by posing for motion pictures or on the vaudeville stage.

The primary purpose of the pardoning power is to release prisoners who have been proved innocent after being sentenced; but one governor pardoned some hundreds of prisoners because he thought the penitentiary as then conducted would do the convicted persons more harm than good, and another pardoned

A Room in the White House.

This scene shows prominent men who attended the First Governors' Conference.

about a thousand because he thought the sentences were out of proportion to the offences. This arbitrary use of the pardon power is dangerous because it encourages the so-called "lynch law." If one man can overturn the opinions of many jurors there is danger that the people will take the enforcement of law into their own hands.

176. Conference of Governors. — In 1908 President Roosevelt called a Conference of Governors at the White House to confer in regard to the conservation of the natural resources of the

country. Since then the governors have held annual conferences at one of the State capitals for the purpose of discussing uniform laws, interstate good-will, and the interchange of State experience. The conference is sometimes called the "House of Governors." It has a permanent secretary who is paid by small appropriations made by the various State legislatures.

This conference is of course extra-legal and its actions are not binding upon any State.

177. Executive Officers More or Less Independent of the Governor. — In most States the following offices exist and the officers are more or less independent of the governor:

The Lieutenant-Governor serves when a governor is absent from his State or incapacitated for duty. He is *ex officio* president of the Senate and in most States succeeds to the governorship if for any reason the office becomes vacant.

The Secretary of State is the chief clerk and records the official acts of the governor and legislature, has charge of various State papers and documents, and performs other miscellaneous duties.

The State Comptroller or Auditor has charge of the State finances. He estimates the amount of revenue needed by the State, enforces the collection of taxes, and sees that no money is expended contrary to law.

The State Treasurer receives the State moneys for safe keeping and pays them out only upon warrants (orders) from the comptroller or auditor.

The Attorney-General is the principal law officer of the State. He gives legal advice to the governor and other executive officers, and represents the State in court.

The Superintendent of Public Instruction is the head of the public school system of the State.

Additional officers, such as the following, exist in the several States according to their needs: banking commissioner, insurance commissioner, industrial commissioner, factory commissioner, highway commissioner, health commissioner, public service commissioner, etc., etc.

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See Bibliography at end of Chapter XIX.

Questions on the Text

1. By what title is the chief executive officer of each State known?
2. What did Madison mean when he said, "The Executives of the States are in general little more than ciphers; the legislatures are omnipotent"? Does this condition remain true?
3. How do the powers of a governor compare with those of the President?
4. What executive powers has the governor?
5. What is meant by the statement that "a governor is the captain of a Ship of State, which is navigated by a crew that he does not select, and over which he has few powers of command"?
6. Describe the manner in which the State police of several States assist the governor in enforcing the laws. By what name are these police known in Pennsylvania?
7. Is the appointive power of the governor on the increase or decrease?
8. Have the legislative or executive powers of the governor increased more rapidly?
9. Name the three legislative powers of the governor.
10. Explain the use which a strong governor makes of messages.
11. Under what circumstances does a governor call an extra session of the legislature?
12. Under what condition may a bill become law in the State in which you live if vetoed by the governor?
13. What advantage results from the power possessed by most governors to veto specific items in appropriation bills? What unpleasant duty is often shifted from the legislatures to the governor as a result of this power?
14. What judicial powers has a governor?
15. Under what conditions should a governor grant pardons?

Questions for Discussion

1. Who is the governor of the State in which you live? May he succeed himself as governor?
2. In New Jersey no executive officers of the State are elected by the people except the governor. With all the interest centred in the

governor it is easy for the people to express intelligent opinions at the polls. Would you favor having the State executive officers appointed by the governor?

3. The People's Power League in Oregon proposed a constitutional amendment giving the governor power to appoint a cabinet consisting of all State executive officers who are now elected and also all sheriffs and district attorneys throughout the State — the latter, however, being subject to a recall by the local electorate. This scheme also provides for a legislature of one house in which the governor and his cabinet have a right to propose their measures and take part in debates. It further proposes that the governor may introduce the appropriation bill which might not be increased by the legislature but might be reduced. What do you consider the merits and demerits of this scheme?

4. Governor Wilson of New Jersey broke all precedents by appearing at legislative hearings and by participating in the meetings of members of the legislature. He urged the passage of "administration bills" and "took the stump" when his measures were not passed. By the force of "pitiless publicity" this independent and courageous governor forced the legislature to give what legislation the people desired. Do you favor this type of governor?

5. New Jersey has no lieutenant-governor. The president of the Senate becomes governor if the elected governor dies or resigns. Does the State in which you live need a lieutenant-governor?

6. What executive officers besides the governor are elected in the State in which you live?

7. In 1913 the Illinois House of Representatives adopted a rule providing that a bill which the governor has had introduced shall have precedence in the consideration of the House over all other measures except appropriation bills. Would you favor similar action by the lower house of the legislature in the State in which you live?

8. Twenty-seven of the States maintain residences for their governors. Is the State in which you live one of them?

9. When a new governor elected on a party platform finds an organized opposition in the legislature, what steps can he take to carry out the platform pledges?

10. In comparing the executive powers of the governor with those of the President we find the governor at a great disadvantage. The present population of a number of States is greater than that of the Nation when the United States Constitution was framed, and the number of State employees (10,000 in New York State) and of State functions is much greater than those of the Federal government during Washington's administration. What changes would have to be made

by your State to give the governor the same control over State administration that the President has over Federal administration?

11. New York State has a school for police which trains police for any locality. Would you consider such training worth while for the policemen of your State?

12. The Pennsylvania and New York State Police forces cost each State a million dollars annually. Would you consider such a force worth that amount to your State?

13. New York towns can have State Police permanently by paying their salaries. Why may these State Police be superior to police chosen locally?

14. The Pennsylvania State Police force photographs and files the finger-prints of Pennsylvania criminals. What is the importance of this?

15. Between the years 1870 and 1890 the State of Pennsylvania supplied the bulk of the lumber for the entire United States. Six million acres are to-day desert because of unextinguished cigarettes and careless methods of logging. With the forests gone, the soil washed from the hillsides, springs dried up, water power declined, and in summer some regions had to be supplied with water by trains of tank cars. While Gifford Pinchot was Forest Commissioner and then Governor of the State he had millions of seedling trees produced and planted in state forests or given to farmers to plant in their wood lots. He tried to persuade the State to appropriate $25,000,000 to purchase and plant five million acres of rough hillsides. He estimated that after forty years it would yield an annual income equal to the total appropriation. Would you favor such a program for your State?

16. It was once a common practice for stock brokers to defraud the public by selling stocks having little more tangible assets than so many feet of blue sky. To-day most states have so-called blue-sky laws to prevent this evil. Kansas led the way in 1911. It requires concerns selling stock within the State to file financial statements with the bank commissioner, who may grant a license to sell securities in the State if the concern has assets which seem to promise a return upon the investment. Illinois administers its law through the Secretary of State. It classifies securities into groups according to the degree of speculative character of each, and endeavors to make certain that the prospective investor will know to what group a security belongs before purchasing. There is no prohibition of the sale of any security unless there is actual evidence of fraud. The State "does not try to prohibit the individual acquiring a gold brick if he wishes, provided only that it is clearly labeled as such." What type of blue-sky law has your State and who administers it?

CHAPTER XXI

STATE COURTS

178. Dual System of Courts. — Each of the forty-eight States of the Union has its own system of courts to interpret its laws, apply them to controversies brought into court, and to administer justice. The primary duty of the highest State courts is to interpret the laws and that of the lower courts to apply them to the controversies brought to them for settlement.

Besides these State courts, and independent of them, is a system of Federal courts extending throughout the United States. These Federal courts have jurisdiction of a limited class of cases enumerated in the Constitution of the United States. (See U. S. Constitution, Art. III, Sec. 2.) The State courts hear all other cases.

179. Organization of State Courts. — The lowest courts of each State are commonly called Justices' Courts. Each township or other local district has at least one such court presided over by a magistrate, usually called the justice of the peace. He generally has jurisdiction[1] over most misdemeanor cases[2] and small controversies between man and man — civil cases[3] — con-

[1] Jurisdiction (Latin *jus* and *dictio*) is the right or power of a court to hear and determine cases brought before it.

[2] Crimes are of two kinds, misdemeanors and felonies. A felony is the greater crime and may be punished by death or imprisonment; a misdemeanor is the lesser crime and is punished by a fine or a relatively short term in jail.

[3] A civil case is a suit brought by one person against another for the enforcement or protection of a private right, or for the prevention or redress of a private wrong. It is distinguished from a criminal case, which is a suit brought by the State against one who is accused of having committed a crime. Officers of the government always prosecute the accused in a criminal case. (See Sec. 184.) In a civil case the counsel (lawyer) must usually be paid by the person who employs him.

cerning money demands (seldom over $50 or $100), the ownership of personal property, and wrongs or injuries to property. He is generally denied jurisdiction to determine questions of title to real estate, titles to office, torts to the person, and other like matters of great importance.

Above these local courts are County Courts (called Courts of Common Pleas, or District Courts in some States) which have jurisdiction of civil cases involving greater sums, and of major misdemeanors and minor felonies, or of all felonies. Appeals from the judgments of the justices of the peace can be taken to these County Courts unless it is a matter of the most minor character over which the justice of the peace has final jurisdiction.

In many States Superior Courts exist above the County Courts. These are commonly called Circuit Courts because the judge goes on circuit to the county seats of the counties composing his circuit. In some States these Circuit Courts take the place of the County Courts. These courts have jurisdiction over civil cases involving unlimited sums and over major felonies, or all felonies, in many States.

As the capstone to a State's judicial system there is always one appellate court of last resort, the name of which varies from State to State. For instance, in some States it is known as the "Court of Appeals," and in others as the "Supreme Court of Appeals." This court is appellate because practically all of its cases are appealed to it from the lower courts, few if any originating in it.

In addition to the regular State courts just enumerated, nearly half of the States have a special court for each county known as the Probate Court (called Orphans' Court or Surrogate Court in some States) to probate (prove) wills and qualify executors to execute the wills, or to appoint administrators to administer the estates of persons who have died intestate (without a will). In the other States the County Courts usually perform these functions.

Every State provides special courts for its cities, especially its larger cities, which are known as municipal courts. There is usually a Police Court to try persons who have violated city ordinances or minor criminal laws of the State which would ordinarily come before a justice of the peace. There are in some cities special Civil Courts to hear minor civil cases which would ordinarily be heard by a justice of the peace. In a large city

A Court Room, New York City.

there is one special court, or more, of equal rank with a County or a Superior Court from which appeals may be taken directly to the appellate court of last resort. Some cities have Domestic Relations Courts to settle family quarrels, as between man and wife, parents and child, adult and child.

Courts of Small Claims. — An increasing number of cities have Courts of Small Claims in which one can bring his complaint at an extremely low cost or no cost at all. These courts have no formal pleadings and usually no lawyer. The judge himself

directs the examination of the parties and witnesses without formality.

The usual court costs constitute an expense which prohibits small litigation. Small tradespeople have been forced to the practice of wiping all small claims off their books or selling them at about one half to collecting agencies. And the widow who runs a small lodging-house can hardly afford to sue for a month's room rent. Or, the maid hired at $10 a week who is put off the first week and not paid the second has a valid claim for $20, but often not a dollar in her pocket. In addition to an attorney's fee, she cannot pay court costs because she has not been paid.

In 1913 the attorney-general of Kansas, learning of a washerwoman who was owed $3 by a well-to-do man, whom she could not afford to sue because she could not pay the necessary fees, was inspired to have a law enacted allowing counties and cities to create small debtors' courts. According to this law a judge is appointed by the board of county commissioners or the mayor. He serves without pay and may hold court in his home, office, or some place provided by the county or city. The plaintiff appears before the judge and states his case. If the judge believes him, he dockets the case and the defendant is summoned by mail or telephone. No lawyers may intermeddle in any manner, and the judge can consult witnesses by telephone if he desires. Debts not exceeding $20 are adjusted and no fees are charged. Therefore, a newsboy was able to sue a subscriber for 45 cents.

Portland, Oregon, has a Small Claims Department of the District Court. Claims up to $20 are heard and costs are limited to 75 cents. The plaintiff may not appeal; and if the defendant appeals he is liable to the $15 attorney's fee and must give a bond to secure all costs. Attorneys are forbidden to appear without the special consent of the judge. Out of 1828 cases in seventeen months there were only two appeals.

The informality of these courts is illustrated by the Cleveland, Ohio, small claims court which is known as the Conciliation Branch. In this court a claim of $25 was brought by a landlady

against a boarder who set fire to the mattress by smoking in bed. The defendant was willing to pay, but disputed the amount. The judge called up a department store, ascertained the price of the mattress, and the matter was settled immediately.

Chicago's small claims branch of the Municipal Court hears cases involving as much as $200 in a prompt informal manner.

Juvenile Courts to try children have recently been established in many cities. In times past children were tried by the same

JUDGE LINDSEY HOLDING HIS JUVENILE COURT, DENVER, COLORADO.

court as adults, and were sent to the same prisons, where they learned the vices of hardened criminals. To-day these special Juvenile Courts are supposed to be presided over by judges who are especially interested in the welfare of children. Instead of sending a bad or criminal child to the jail or penitentiary the judge gives him over to a State reformatory unless he himself can save him by good advice and the help of a probation officer, who watches the children that have been found guilty of minor offences and released on probation (good behavior).

In a very short time one forenoon the judge of a Juvenile Court disposed of the following four cases. No. 1 was a fight between two small colored boys. The mother of the larger boy, being present, was directed to go into an adjoining room and whip her boy in the presence of an officer. No. 2 was a white girl brought by her own parents. The girl, agreeing to do better, was directed to return to her home and to report weekly to a woman probation officer. No. 3, a colored girl, who had previously been on probation, was accused of stealing. She was turned over to the State Board of Charities and Corrections. No. 4, a young colored man accused a colored boy of annoying his "place of business," a shoe-shining stand. Their statements conflicted. When one referred to a reputable witness they were ordered to return three days later with the witness.

180. State Judges. — State courts are usually conducted by one judge, except the appellate court of last resort, which consists of three, five, seven, or nine judges, five being the more usual number. These judges are chosen in one of three ways: elected by the voters, chosen by the legislature, or appointed by the governor with the consent of the senate. Their term of office varies from one year to life or good behavior, the judges of the higher courts having longer terms than those of the lower courts. Salaries vary from nothing (merely fees) for justices of the peace to $17,500 for judges of the New York Supreme Court in New York County. The principal duty of a judge is to decide points of law, and also points of fact if there is no jury, and to issue orders for the enforcement of his decisions. He often performs other duties, such as appointing certain local officers, and serving on local boards.

181. Juries. — A jury is a body of persons selected according to law, and sworn to declare the truth on the evidence laid before them. There are two kinds of juries[1] — the grand jury and the petit, or trial jury.

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[1] The so-called coroner's jury is not a real jury. See Section 191.

The Grand Jury. — A grand jury is a body of persons summoned into a court to consider the evidence against persons accused of crimes, and to determine whether the evidence is sufficient to justify a formal trial for such persons. This jury consists of twenty-three jurors or less, according to the State law and the importance of the charges to be investigated. In most States it consists of more than twelve jurors, of which at least twelve must agree that an accused person is probably guilty or he cannot be held for trial, but in some States it may consist of as few as six. When the jury consists of as few as six jurors five must agree or the accused cannot be held for trial.

When a grand jury is empanelled (selected) the judge instructs the jurors to find a *true bill of indictment* (charge) against all persons whom the prosecuting attorney brings to their attention and whom they think probably guilty. He further instructs them to bring a *presentment* (accusation) against any person whom they of their own knowledge believe to have violated the criminal laws of the State within their county. They swear or affirm that they will do so, and retire to the jury room where they deliberate in secret. The chairman of the jury, who is appointed by the judge or chosen by themselves, is known as the *foreman.*

The prosecuting attorney for the county brings into the jury room witnesses to testify against the accused and usually questions them himself, but after he retires the jurors may resummon the same witnesses and question them further or may have the court summon other witnesses to testify against the accused. Nobody is allowed in the room with the jurors except the prosecuting attorney, and in some States his stenographer. All are bound to secrecy.

After all witnesses have been summoned and questioned, the jurors are left entirely alone to deliberate, and when they have completed their finding they proceed to the court-room and their bill of indictment is read in their presence. The bill is recorded in the clerk's office and the jury is dismissed if the term

has expired; or, if the term has not expired, it is adjourned until the court needs it again to investigate other accusations.[1]

In a peace-abiding county one grand jury a year is often found to be sufficient, whereas in counties where large cities are located there must either be a number of grand juries during the year or else the same grand jury must sit from time to time during several months, unless the State permits persons to be brought to trial by "*information.*"

As a substitute for the grand jury method of bringing persons to trial, more than half of our States permit the judge to proceed with the trial upon an accusation brought by the prosecuting officer. This is called an "*information.*" In a rural community grand jurors often possess personal knowledge of crimes that have been committed, but in large cities they seldom have this knowledge and their principal function should be to act upon cases where the evidence is circumstantial or the accused an influential person, and to bring to trial persons whom the prosecuting attorney fails to bring forward for personal reasons.

The Petit Jury. — A petit or trial jury is a group of persons summoned into court to hear the evidence on both sides of a case and to decide the disputed points of fact, the judge in most States deciding the points of law. This jury tries both civil and criminal cases. Any one may usually demand a jury trial if the question of life, liberty, or property is at stake.

The number of petit jurors is usually twelve, but in a number of States a lesser number is sufficient in civil cases and minor criminal cases. In the court of the justice of the peace six jurors or less is the rule, though in several States this court, too, may have twelve jurors.

In nearly one third of the States an agreement of two thirds,

[1] It is not uncommon for a State to impose upon the grand jury duties other than the consideration of evidence against accused persons. For instance, they may be required to approve the erection of public buildings and bridges in Pennsylvania, fix the tax rate in Georgia, investigate the sufficiency of the bonds of county officers in Alabama and Tennessee, arrest persons selling liquor contrary to law or arrest intoxicated persons in Vermont.

three fourths, or five sixths of the jurors is sufficient for a verdict in civil cases or unimportant criminal cases. In the remaining States a unanimous verdict is required even in unimportant cases.

The Grand Jury and the Petit Jury Compared. — The same courts that have *grand* juries to *accuse* have *petit* juries to *try* the accused. But some courts which do not have grand juries do have petit juries. For instance, in most States Justices' Courts may use petit juries, though they nowhere have grand juries; and courts which have no criminal jurisdiction have no need of grand juries. Appellate courts of last resort do not use either grand or petit juries because they are concerned primarily with points of law which have been appealed to them from the lower courts. A grand jury investigates all indictable offences committed during its existence, and hears only accusations, never defences.

Selection of Jurors. — In scarcely any two States are jurors selected in exactly the same manner, but in all they are selected in a similar manner. Once a year, or oftener, some county official [1] or special jury commissioners, appointed or elected as the law prescribes, prepares a considerable list of persons who are eligible for jury service. In some States any qualified voter of the county in which the court is sitting is eligible, while in others only tax-payers may serve.

In the former States the names can be obtained from the poll books and in the latter from the tax assessors' books. Persons under twenty-one and those over sixty or seventy years of age, criminals, illiterates, and women are commonly ineligible. In most States other classes of persons, such as State and Federal officials, professional men, foremen, firemen, and State militiamen, are not required to serve.

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[1] This official is usually the clerk of the court, the sheriff, the judge, or county board of commissioners. In the New England States and Michigan names of jurors are selected by township ("town") officers and sent to a county officer.

The chosen names are written on slips of paper and placed in a locked jury box,[1] which is usually kept in the custody of the clerk of the court. When the court needs a jury the names are drawn from the box by a designated official, and the sheriff is directed to summon such persons by a writ known as a *venire facias*. After eliminating the names of those who, for good reason, cannot serve, he makes a list of those who can serve and returns it to the clerk. The list is known as the *panel of veniremen*.

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JURY IN LOS ANGELES.

Women are assuming the obligations as well as the privileges of citizenship.

Grand jurors are commonly selected in the same manner as petit jurors, but in some States a separate list of names is prepared from which grand jurors are selected. Jurors for the justices' courts are commonly selected by the justice himself.

It is a serious mistake for any intelligent citizen to evade jury service. An accused person, who may be entirely innocent,

[1] In New Jersey the chancellor (highest judge) appoints a jury commissioner for each county who is of the opposite party to the county sheriff. These two are commissioners of juries and they select names of eligible persons as in other States, but instead of being put into the jury box the names are numbered consecutively from one up, and a piece of metal with a corresponding number is dropped into the box in place of the name.

can hardly expect justice from a jury whose members have been chosen from the least intelligent people of a community. Every citizen who feels that he has been endowed with sufficient intelligence to judge the facts of a case fairly, should feel it his duty to organized society to answer the call for jury service willingly.

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Questions on the Text

1. What are the duties of a court?
2. What two systems of courts are there in each State?
3. What classes of cases are brought into the Federal courts? Into the State courts?
4. What three grades of State courts are found in every State?
5. What is a probate court?
6. What special courts do cities commonly have?
7. What is a juvenile court? Explain the need of small claims courts. Describe the different types.
8. How are State judges chosen? For what terms?
9. Do judges have any duties other than interpreting law and deciding cases?
10. What is a grand jury? What is the petit jury? How many jurors commonly compose each? How does a grand jury differ from a petit jury?
11. Does the highest State court have jury trials?
12. Who serve on juries and how are they chosen?
13. What is meant by a *true bill of indictment? Presentment? Foreman?*

Questions for Discussion

1. Name the courts in the State in which you live, beginning with the lowest. Tell how the judges for each are chosen. (For this information consult your State constitution.)
2. Name one or more judges and tell what court each presides over.
3. Is it more important that a legislator, governor, or a judge be chosen for a long term?
4. Why are citizens never justified in resorting to lynch law?

5. "The Constitution of New Hampshire provides that when the governor cannot discharge the duties of his office, the president of the senate shall assume them. During the severe illness of a governor recently the president of the senate hesitated to act in his stead; it was not clear that the situation was grave enough to warrant such a course. Accordingly the attorney-general of the State brought an action against the president of the senate for not doing his duty. The court considered the situation, decided against the president of the senate, and ordered him to become acting governor. Why was this necessary? Was it conducted in a hostile spirit? Wherein did the decision help the State? Wherein did it help the defendant? Wherein may it possibly prove helpful in the future history of the State?" — "Civil Government in the United States," by John Fiske.

6. Most States elect their judges. Why do most students of government think it better to have them appointed by the governor or by the chief justice of the highest court in the State, or elected by the licensed lawyers in the territory in which they serve?

7. Jury service is so burdensome to business men of cities that some young men refuse to register for voting in order that their names may not be as easily obtained for jury service. Would you favor abolishing juries for civil cases and the less important criminal cases? An effort is always made to have jurors who know nothing about the case to be tried. In rural communities such persons are usually those who do not read the papers. Is it probable that such men make the best jurors?

8. In Idaho a prisoner charged with threatening a man with a revolver was tried and found guilty by a jury composed wholly of women. Do you think men should be tried by their peers? Women?

9. Do you suppose the establishment of a small claims court in your community would help to increase respect for law and government?

10. In 1923 the Supreme Court of New York County had 26,000 untried cases carried over from 1922. The courts of this county can annually handle only about one third of the cases, and the slow process of constitutional amendment is necessary to increase the number of judges. Therefore some persons are resorting to a new tribunal of justice founded by the Arbitration Society of America. In New York, cases other than criminal and divorce matters, may be settled in this way with perfect legal finality, and with a minimum of time, money, and patience. Would you favor a law giving legal approval to arbitrated cases in your State?

CHAPTER XXII

CIVIL AND CRIMINAL PROCEDURE

182. Civil Procedure. — A civil suit is one between two persons [1] as distinguished from a criminal case, in which the State is the plaintiff against a person charged with a public offence. There are two kinds of civil procedure — *law* suits and *equity* [2] suits.

For instance, if one owes you a debt, does injury to your person or property, or violates a contract you can sue him at law for money damages; but if you want to restrain persons from committing wrongs, you must get an injunction (an equity writ), which will direct the individuals to refrain from doing the wrong, or if you desire the specific performance of a contract instead of money damages, or if a person who has property in trust for you refuses to pay you the income, you can sue him in equity.

In cases *at law* the judge usually has a jury to decide the facts, and the witnesses usually testify in court; but in *equity* cases

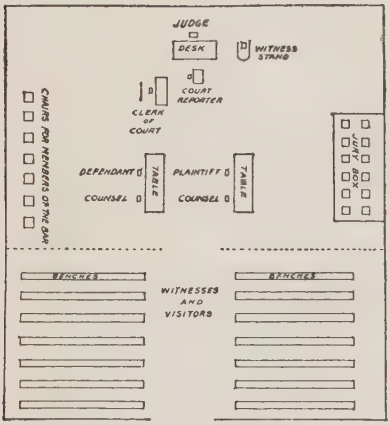
[1] One or both persons may be artificial, *i.e.* a corporation, such as the Pennsylvania Railroad Company or the U. S. Steel Corporation.

[2] *Equity* is a branch of law which developed along-side of common law. Most of the early English law was developed by courts instead of by parliament. The judges of the courts in time became conservative and ceased to create means of obtaining justice as new conditions demanded. They had certain forms, called "court writs," upon which one had to state his case. If he could not state it on one of these forms he could not bring suit in court. Aggrieved persons appealed directly to the king for justice. The appeals became so numerous that the king created a new court, called Chancery Court, to administer justice by deciding in a conscientious and equitable manner cases in which justice could not be obtained at common law. Hence grew up a branch of law known as *equity*, with a distinct set of principles and writs.

The American States retained these two branches of law, but in all States except New Jersey the same judges hear cases both at law and in equity.

the judge usually decides the facts himself without a jury, and instead of having the witnesses in court he often appoints a "referee" to hear the evidence and report it to him in writing. The two kinds of suits are illustrated as they would proceed in Virginia, for they would proceed in a similar manner in other States.

Suit at Law. — Suppose Mr. A., a passenger, has received bodily injury from a railroad wreck in Albemarle County, say on the Southern Railroad, and brings suit for $5000 damages. Here Mr. A. is the *plaintiff* and the Southern Railroad Company the *defendant*. Mr. A. will have his lawyer file his claim against the Southern Railroad Company with the clerk of the court in Albemarle County. The railroad company will deny A.'s right to $5000 damages, by a plea, and will have its lawyer represent it in court.



PLAN OF A COURT ROOM.

When the judge holds court in Albemarle County a jury will be empanelled unless the lawyers, known as the counsel for the plaintiff and defendant, are willing to dispense with a jury. The judge also must agree to decide the facts of the case, as well as the law, else the jury cannot be dispensed with. If a jury is empanelled it will decide all disputed facts, as, for example, whether Mr. A. was in fact injured, to what extent injured, and hence how much damages he should receive; whereas the judge will decide all points of law and instruct the jury as to the law.

After the judge instructs the jury as to the law, the counsel for each side argue the facts of the case and the jury retires to

the jury room. After deliberation, if the jury can agree upon the amount of damage done Mr. A., it renders a decision, called a *verdict*. If the jurors cannot agree, it is a mis-trial and the case may be tried again. The judge finally gives *judgment* in accordance with the verdict of the jury. In this case if the judgment is in favor of the plaintiff the defendant may appeal the case to the Supreme Court of Appeals, because damages exceeding $300 are involved. Or suppose it accepts the decision but fails to make prompt payment of the damages awarded; then the clerk will issue an execution to the sheriff or a constable directing him to levy execution and sell the personal property of the defendant. If there is no personal property the court may authorize the sale of real estate.

Suit in Equity. — Suppose A., a farmer, has a fresh stream of water running through his farm and by his house, which he uses to water his stock and which his wife uses for washing clothes. B. establishes a large creamery on this stream above the farm of A. The creamery empties greasy water and acids into the stream to such an extent that it produces a stench at the farmer's home, his cattle refuse to drink the water, and the water can no longer be used for washing clothes.

A. will have his attorney file suit with the clerk of the court to enjoin (forbid) B. from emptying the grease and acids into the water, and the clerk will have the sheriff notify B. that suit has been brought. A jury is not needed to decide the facts, and witnesses need not appear in court.[1] A master in chancery, notary public, or justice of the peace gets the counsel for each side together at some convenient time and place to take *depositions* (question and cross-question the witnesses), which a stenographer takes word for word. These depositions are given to the judge, and the counsel for the plaintiff and for the defendant argue the points of law and evidence before the judge in court or in vacation.

[1] In some States the evidence would be taken in open court, the lawyers and judge asking questions of the witnesses.

If the judge is not satisfied as to the facts perhaps he will go to the scene, call witnesses before him, or order the master in chancery to make further investigation as to certain facts. With the facts and the law both presented, the judge is prepared to render a decision, called a *decree* in equity cases. If the judge decides that the injury to A. is as claimed, he will decree that B. must cease emptying grease and acids into the stream.

The court costs of a civil suit such as witness fees, jury fees, and recording fees are usually placed by the court upon the party losing the case, and sometimes some costs are granted with which to pay lawyers, but each party usually pays his own lawyers.

183. Crimes. — A crime is an act or omission which is prohibited by law as injurious to the public and is punished by the State in a proceeding in its own name or in the name of the people thereof. Crimes may be immoral in themselves, such as murder or burglary, or they may be acts considered as crimes only because they have been prohibited by law, such as exceeding the speed limit in an automobile or failing to remove snow from the sidewalk. Crimes are of two degrees — felonies and misdemeanors.

Felonies are crimes of a more serious character than misdemeanors. They vary so much from State to State that no general definition of them can be given, but in many States all crimes which are punishable by confinement in a State penitentiary or by death are defined as felonies. The following crimes are almost universally classed as felonies.

(1) *Murder in the First Degree* generally means the unlawful, intentional, and premeditated killing of a human being, or such a killing resulting from the commission or the attempt to commit one of the graver crimes such as arson, burglary, or robbery. Such crimes are punished in thirteen States by death, in twenty-five by death or life imprisonment, in eight by life imprisonment, and in two by life imprisonment or imprisonment for not less than five and fourteen years respectively.

(2) *Murder in the Second Degree* generally means the unlawful, intentional killing without premeditation, or such killing as a result of an attempt to commit some lesser crime. It is punished by imprisonment varying from a minimum of two years in North Carolina to a maximum of life in many States, and even death in several.

(3) *Manslaughter* is the unlawful killing of another without malice. The killing may be voluntary, upon a sudden heat of passion; or it may be involuntary, in the commission of some unlawful act or a lawful act without due caution. Many States divide manslaughter into two degrees. It is punished by imprisonment for a term ordinarily shorter than that for murder in the second degree. Great discretion is given to the jury or judge.

(4) *Arson* is the act of unlawfully and maliciously burning a building. It is more serious if done at night and most serious if an inhabited dwelling is burnt at night.

(5) *Burglary* is the breaking and entering a dwelling house during the night, with the intent to commit a felony therein, whether the felony be actually committed or not. In some States so entering other buildings is burglary. The same offence is called house-breaking if committed during the day.

(6) *Robbery* is the theft of property from the person or in the immediate presence of the victim, accompanied by force or fear.

(7) *Larceny* is simply theft, and *grand larceny* is the theft of property above a fixed value, generally from $25 to $50. In a number of States to steal any amount from the person of another without force or fear is considered grand larceny.

Arson, burglary, robbery, grand larceny, assault with intent to kill, bigamy, perjury, forgery, and embezzlement are commonly punished by a considerable term of imprisonment. Burglary may be punished by death in three States, robbery by death in two States, and arson by death in nine States.

Misdemeanors are crimes of a less serious character than felonies and, like felonies, cannot be defined by any general defini-

tion which will apply to all States. For instance, in Virginia offences which are punishable with death or confinement in the penitentiary are felonies; all other offences are misdemeanors. In the same State the following crimes are misdemeanors and, in general, would be so classed in other States: violation of town or city ordinances, carrying concealed weapons, cruelty to animals, attempting to defraud a hotel-keeper, petit larceny, which is a theft less than a grand larceny, setting fire to woods, etc., non-support of wife and minor children, permitting a gambling house on one's premises, libel, assault and battery. These misdemeanors are punishable by confinement in jail or by fine. But such misdemeanors as drunkenness without disorder, profanity, or unnecessary labor on Sunday are punishable by fine only. In such cases if the person who has been fined cannot or will not pay his fine, he may be sent to jail according to the law of many States.

184. Criminal Procedure. — *Arrest of Felons.* — A private individual may arrest a person to prevent the commission of a felony in his presence, or may, without a warrant, arrest a felon whom he has seen commit a felony, or may even arrest one without a warrant on reasonable suspicion of his having committed a felony, provided a felony has been committed.

An officer of the peace (sheriff, constable, police) may do anything a private person may do. He should furthermore pursue a felon who is making his escape though he has not actually seen the crime committed. If the police, constables, or sheriff do not attempt to arrest a felon, the prosecuting attorney will likely take the initiative and have the suspected felon arrested.

The injured party or any one knowing of the crime may go to a justice of the peace or some other magistrate who has power to issue a warrant, and by taking oath as to the crime, have a warrant issued for the arrest of some designated person, provided the magistrate is satisfied as to the truth of the complaint. The *warrant* is a written document describing the felon, setting

forth the offence, and directing that he be brought before some specified magistrate, usually the one who has issued the warrant. A policeman, constable, sheriff, or any other peace officer may make the arrest (" serve the warrant ") and bring the felon before the proper magistrate for trial. In making the arrest the officer may call upon any persons to assist him, may break into a building, or may kill the felon *if necessary*. By " necessary "

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JUSTICE AND MERCY.

is meant self-defence or preventing the escape of one who has committed a felony.

Arrest of Misdemeanants. — A private person may arrest another without a warrant to quell a breach of the peace in his presence, but he may not arrest one to prevent any other misdemeanor; nor may he arrest one for any misdemeanor already committed. A peace officer may arrest without a warrant for a breach of the peace or any other misdemeanor committed in his presence. If the misdemeanor was not committed in his presence he can arrest only on a warrant. The same magistrates who issue warrants for felons may issue them for misdemeanants, and arrests are made by the same officers in the same manner except that an officer is never justified in killing a misdemeanant fugitive, though of course he has the right of self-defence.

The Commitment. — After the accused is arrested he is brought before the magistrate, usually the justice of the peace, except in cities where there is a special police justice, or in towns in which the mayor has the powers of a justice. If the crime is a misdemeanor the accused is probably tried at once. If the crime is a felony the magistrate gives the accused a preliminary hearing, and when the evidence indicates a probability of guilt the accused is held for the grand jury. If the crime is murder the accused is usually committed to jail, but otherwise, unless his being at large is considered especially dangerous, he is released until the grand jury meets, provided he can give bail.[1]

The Indictment. — The *prosecuting attorney*, called state's attorney or district attorney in some States, investigates the evidence against such persons as the committing magistrates have held for the grand jury, or against any other persons whose probable guilt has been brought to his attention. If he thinks there is evidence against any such person which will probably convict, he draws up a *bill of indictment*, a written document stating the charge, and has witnesses summoned for the grand jury.

If a certain majority of the grand jury, which majority varies from State to State, thinks there is sufficient evidence to warrant a court trial, the foreman writes across the face of the indictment the words, " a true bill " (of indictment), and the indicted person must stand trial in court. If the prescribed majority does not think that the evidence justifies a trial the words " not a true bill " are used, and the accused is discharged, if he has already been committed.

The Trial. — The justice's court usually has original jurisdiction in misdemeanor cases, and here the trial is very informal

[1] Furnishing bail (Old French *bail* = a guardian) is theoretically putting a man in charge of a private jailer and in effect is the guarantee that an accused person will appear for trial if allowed to go at large. It is usually a sum of money, depending upon the character of the charge, and is determined by a judge or special bail officer. The cash, or other security, may be furnished by a friend or by the accused himself if he possesses the amount required.

because justices of the peace are not always lawyers and must depend upon what untrained minds can glean from a volume of laws compiled for their use. With few exceptions an appeal may be taken to the county or superior court in criminal cases.

In felony cases sent to the county or superior trial court by the grand jury the prisoner appears in the custody of the sheriff, deputy-sheriff, or some like officer who perhaps bears a different title. In misdemeanor cases sent from the grand jury or appealed from a justice of the peace the prisoner need not appear in person. He often prefers to leave his case to an attorney. But a felony case cannot proceed unless the accused is present.

The prisoner is charged with committing a crime against the State [1] and is prosecuted by the prosecuting (state's) attorney of the county. The clerk of the court reads the indictment or presentment to the prisoner, who pleads "guilty" or "not guilty." If he pleads guilty, and is of a sound mind, the judge usually pronounces the sentence according to the State law, and the case ends. But if he pleads not guilty he is entitled to a trial by jury if he desires it, and in some States one accused of a felony is obliged to stand trial by jury. If the prisoner cannot afford an attorney the judge appoints a lawyer, commonly a young inexperienced one, to defend him. In most States this attorney is paid a small fee by the State.

There are usually about twice as many persons summoned as are needed for the jury, but when the court meets, the counsel may challenge a certain number, which is limited by law, without giving any cause, and the judge will excuse such veniremen. Then the counsel may challenge any other veniremen for cause,

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[1] For a great many acts a person may be proceeded against criminally by the State because he has disturbed the peace of the community generally, and also in a civil action by a person because the latter has been injured individually. For instance, if I libel you by an unlawful malicious publication and thereby injure your good name you can sue me for money damages; if my libeling you causes a breach of the peace I have also committed a crime and may be punished by the officers of the State in the name of the State because the entire State is injured by lawless people who break the peace.

such as relationship to the parties to the suit or some other reason why they might not give an impartial decision; if it is a murder trial, because they do not believe in capital punishment.[1]

If others are challenged, the judge, in some States, may have the sheriff summon by-standers (*talesmen*), whereas in other States a new list must be prepared as the former one was and this procedure must continue until the prescribed number of suitable men are *empanelled*, that is, secured to serve.[2]

After the case is opened the witnesses for the State and for the prisoner are examined and cross-examined, arguments are delivered by the attorneys for each side, and the judge gives the *instructions* to the jury explaining the law governing the case. (In Virginia the instructions precede the arguments.)

The jury then retires to consider the evidence of the case and arrive at a decision. If the jury cannot agree the foreman reports "no agreement": if the requisite number agree, usually all in an important criminal case, he reports "guilty" or "not guilty." If guilty, the jury usually determines the punishment in its verdict,[3] which is read by the clerk of the court, and the judge pronounces the sentence. If the penalty is merely a fine, this is paid to the clerk; if more than a fine, the sheriff takes charge of the prisoner, who is taken to jail to serve his term, or until he can be transferred to the penitentiary, executed, or

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[1] In some States unsatisfactory laws or inefficient judges often permit the lawyers to ask every conceivable question in order to determine whether the jurors hold any opinions which would cause them to be prejudiced in the case. For example, after the Iroquois Theatre fire in Chicago, in which so many people lost their lives, the Theatre Company was being sued, and the counsel for the company asked the prospective jurors such questions as these: "What paper do you read? Do you believe in card playing? Dancing? Theatre going? Have you any prejudices against city people? Have you ever had a friend killed in a fire?"

[2] In the famous Gillooley murder case (1878) in Indiana, 4150 veniremen were summoned and nine and a half weeks were required to complete the jury. Recently 91 days were required to select a jury in a certain California case.

[3] In many States the judge determines the punishment after the jury has determined the guilt.

disposed of according to the sentence. If there has been a disagreement ("a hung jury") the case is either set for a new trial or dismissed.

If the verdict has been "guilty," the prisoner may petition for an appeal to a higher court on the ground that the verdict is not according to the law, or to the evidence, or that some error has been committed in the trial. If the appeal is granted and is sustained the higher court will order the lower court to hold a new trial; but if no error is found the appeal is dismissed and the order of the lower court stands.

Bibliography

Corpus Juris. An encyclopedia of all the law.
Copies of warrants of arrest, indictments, subpoenas, summonses, etc.

Questions on the Text

1. What is the difference between a civil suit and a criminal suit?
2. If you sue for a sum of money do you sue *at law* or *in equity?*
3. If you want to prevent the commission of a wrong which cannot be remedied after once committed would you bring suit *at law* or *in equity?*
4. Explain just how a suit *at law* proceeds. What do you mean by *plaintiff? Defendant? Verdict? Judgment?*
5. Explain just how a suit *in equity* proceeds. What is a *master in chancery? Decree? What are depositions?*
6. What is a crime? Are all crimes wrong in themselves? If not, why are they considered crimes?
7. Crimes are of what two degrees? What distinguishes them in many States?
8. What is Murder in the First Degree? Murder in the Second Degree? Manslaughter? Arson? Burglary? Robbery? Larceny? Grand Larceny?
9. Who may arrest felons?
10. What is a *warrant?* Is it necessary to have a warrant to arrest a felon? Who serves a warrant? May he call upon by-standers to assist him?
11. May a peace officer without a warrant arrest one who has committed a misdemeanor?
12. Who usually tries a criminal and commits him to jail when he is first arrested?

13. What do you mean by *giving bail?*
14. Who draws up bills of indictment to present to the grand jury?
15. Describe a jury trial.
16. What do you mean by *instructions?*
17. By whom is the law governing a case decided? The facts?
18. What is meant by a "hung jury"?
19. Describe a court in session.

Questions for Discussion

1. In New York City a thief stole a plume worth $57, but proved that it was marked down to $49.50 the day he stole it; hence his offence was merely a misdemeanor, whereas it would have been a felony if he had stolen goods valued for as much as $50. What crime did this thief commit?

2. In the eighteenth century nearly 200 crimes were punishable by death in England. A death penalty was prescribed for stealing a handkerchief. The people and even the judges ceased believing in the justice of such laws and did not enforce them. For instance, in one case a man was accused of stealing a sheep. The judge threw the case out of court because it was a ewe that he had stolen, so that he might not have to pronounce a death sentence. Have any of these technicalities of the law come down to us to-day when we do not need them? Why do we not need them to-day?

3. Are crimes prevented more by the severity of punishment or by the certainty of punishment? Would you consider it extravagant for the government to spend $100,000 in order to detect and bring a murderer to justice?

4. In Oregon a boy charged with violating the cigarette ordinance was sentenced by the judge to wheel eight tiers of wood from the street into the City Hall. Do you consider that the judge showed wisdom in his sentence?

5. You cannot compel a person accused of a crime to testify against himself according to law. You cannot so much as ask him where he was when the crime was committed. What do you think of this old legal rule? Would you favor compelling the accused to make a statement as to his whereabouts to the justice of the peace before whom he is brought — else assume that he is guilty?

6. In some States persons convicted of murder are put to death by the gallows, in others by the electric chair, in Nevada by lethal gas, and in some there is no capital punishment. Which sentence do you think is most likely to reduce crime?

7. The National Crime Commission appointed a Sub-Committee on Criminal Procedure and Judicial Administration, with Hon. Herbert S. Hadley, Chairman. The following summary from their report made in 1926 contains recommendations of our leading jurists for uniform State legislation:

Bring persons charged with a felony before a magistrate when arrested, for an opportunity to make a public statement and to answer questions.

Permit prosecution either by indictment or by information.

If bail is granted, the bondsman must submit a full statement of what, if any, collateral he has received from the defendant. If the defendant fails to appear, after ten days the forfeited bond becomes a final judgment.

The fact that the juror has heard of the case and has formed an opinion should not disqualify him if he is satisfactory to the judge.

The state should have as many challenges as the defendant.

If the accused fails to testify as a witness, his failure may be commented upon by the judge or by the counsel.

The defendant or the state should be permitted to take depositions within or outside the state under conditions fixed by the court (judge); also to take depositions of a witness likely to leave the court's jurisdiction.

The judge should instruct the jury as to the law and should make comments on the evidence and character of any witness.

A five-sixths verdict should be sufficient to convict except where the penalty is death.

The jury should determine guilt and the judge fix the punishment as authorized by law.

On appeal a judgment of conviction should not be reversed unless an error complained of has resulted in a miscarriage of justice.

A pardon or parole should not be granted until notice has been given to the prosecuting officer and judge who tried the accused, and the reasons should be made public five days before taking effect.

A defendant asking for an appeal should remain in jail at least until the appeal is granted.

An insanity plea should be required ten days before the trial begins except with the consent of the judge.

When the plea for the defendant is insanity the judge should summon an expert and the county should pay him.

The prosecuting attorney should not be allowed to drop a case against an indicted person without the consent of the judge.

Learn from some lawyer which of these recommendations are already the law of your state. Do you favor adopting the remaining ones?

CHAPTER XXIII

COUNTY AND TOWNSHIP GOVERNMENT

I. County System

185. Origin of County Government. — The Southern colonists were agriculturalists living far apart on plantations. A small class of aristocrats owned most of the property and were well educated, but illiterate slaves formed the masses. Under these conditions the people did not develop local self-government as they did in New England, where there was a substantial middle class of townspeople.

Therefore it was necessary to divide the colonies into counties [1] so that the laws might be properly enforced. Thus the county became the most important governmental division of the colony. After the colonies became States the importance of county government continued, and the new States in the Southwest and extreme West copied the Southern county system.[2]

186. Functions of Counties. — A county is a governmental division of a State which administers State laws and such county laws as the State permits the county to enact. These county functions are determined by the State legislature except in regard to those matters for which provision is made by the State constitution. The county is always subject to the will of the State.

In most States it is the duty of the county to preserve peace; administer justice; distribute the property of a deceased person;

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[1] The divisions were called *counties* because the divisions of England were so called.

[2] In Louisiana the divisions corresponding to counties are named *parishes*.

register titles to land; maintain schools; build and repair roads and bridges; care for the poor; protect the health of the community; collect local, county, and State taxes, and expend the county portion of these taxes in the performances of the county functions just enumerated.[1]

187. How County Functions Are Performed. — Most county officers are chosen by an election conducted at various voting

Photo by A. M. Prentiss, Portland, Oregon.

THE COLUMBIA RIVER HIGHWAY.

This road was built by Multnomah County, Oregon.

places throughout the county for short terms — commonly two or four years — but in some States a few officers are chosen by the county board, the State legislature, the governor, the judge, or otherwise appointed. The officers are not exactly the same

[1] In addition to the usual functions that county governments administer for State governments there are option State laws which may be accepted for a county by its board of commissioners or board of supervisors.

Photo by A. M. Prentiss, Portland, Oregon.

THE STATELY FIR TREES ARE CONSERVED ALONG COLUMBIA RIVER HIGHWAY.

in all States, but every county except those in Rhode Island and Georgia has a board which in most States is called the " board of commissioners."

188. The County Board. — In England the counties were administered by the Quarter Sessions Court of the justices of the peace of the county. Naturally this system was copied in America. In Kentucky, Tennessee, and Arkansas the justices

Photo by A. M. Prentiss, Portland, Oregon.

THE VISTA HOUSE AT CROWN POINT, COLUMBIA RIVER HIGHWAY.

of the peace continue to administer the counties, but since they are elected for definite terms the system is not materially unlike the more recent systems to be described in the next paragraph.

Board of Supervisors. — New York early departed from the system described in the last paragraph by establishing a county board consisting of one supervisor elected from each township, and called " board of supervisors." This system, with certain changes, has been adopted by many States in all parts of the

country, but especially in the Northwest, where the township system found its way.

Board of Commissioners. — Pennsylvania also departed from the system described above, and provided that each county should elect three commissioners at large, that is, from the whole county, to be known as the "board of commissioners." This

Photo by A. M. Prentiss, Portland, Oregon.

A Beautiful Arcade instead of a Tunnel, Columbia River Highway.

system has been adopted by most of the States which have not accepted the New York plan. It must be remembered that all of these plans have been greatly modified by the various States, and in a few States the practices of one system have been adopted with the name of the other.

The county board, under whatever name, has often been called the "county legislature" because in nearly all States it has power to determine the county tax rate and to appropriate the

money for county purposes when collected. In some States it has power to enact certain ordinances, such as fish and game laws and the granting of bounties for the destruction of certain wild animals; but its duties are primarily to administer State laws within the county. It has charge of county buildings at the county seat (courthouse and jail) and the poor-house, hospital, work-house, and pest-house, if the county owns such

Cook County Hospital in Chicago.

institutions; and it determines the location of all or certain roads and bridges and provides for their maintenance.

In the South and West the county board commonly establishes polling places and provides ballots, and in some States it acts as a county board for declaring the results of elections. In most States the board appoints a superintendent of the poor, but the other officers whom the board appoints in one State or another are very few.

County Boards

States	Number of Members	Called Board of	How Chosen	Term in Years
Maine . . .	3	Commissioners	Elected at large	6
New Hampshire	3	Commissioners	Elected at large	2
Vermont . .	2	Assistant judges	Elected at large	2
Massachusetts	3	Commissioners	Elected at large	4
Rhode Island .	. . . . .	. . . . .	. . . . .	. . .
Connecticut .	3	Commissioners	By State Legislature	4
New York . .	T'ship	Supervisors	Elected by townships	2
New Jersey .	T'ship ; 3 to 9	Chosen Freeholders	Elected by townships ; elected at large	2
Pennsylvania .	3	Commissioners	Elected at large	4
Delaware . .	3, 7, 10	Commissioners	Elected by districts	4
Ohio	3	Commissioners	Elected at large	4
Indiana . . .	3 and 7	Commissioners and Co. Council	Elected by districts	3 and 4
Michigan . .	T'ship	Supervisors	Elected by townships	1
Illinois . . .	T'ship ; 3	Sup.(in 86 Cos.) ; Com.(in 16 Cos.)	Elected by townships ; elected at large	2, 3
Wisconsin . .	T'ship	Supervisors	Elected by townships	1 and 4
Minnesota . .	5 to 7	Commissioners	Elected by districts	4
Iowa	3 to 7	Supervisors	Elected by districts or at large	3
North Dakota .	3 or 5	Commissioners	Elected by districts	4
South Dakota .	3 to 5	Commissioners	Elected by districts	4
Nebraska . .	N. U.	Sup. (in some) ; Com. (in some)	Elected by districts or at large	4
Kansas . . .	3	Commissioners	Elected by districts	4
Maryland . .	N. U.	Commissioners	Elected at large	N. U.
Virginia . . .	Dist.	Supervisors	Elected by "Magisterial Districts"	4
West Virginia .	3	"County Court"	Elected at large in most counties	6

North Carolina	3 or 5	Commissioners	Elected at large	2
South Carolina	2 or T'ship	Commissioners	Elected and appointed at large in	N. U.
Georgia . . .	1	Ordinary (and commissioners)	Elected at large [most counties	4
Florida . . .	5	Commissioners	Elected at large; nominated by dis-	2
Kentucky . .	3 to 8	"Fiscal Court"	Elected by districts [tricts	4
Tennessee . .	Dist.	"County Court"	Elected by districts	6
Alabama . .	Dist.	"Court of County Commissioners"	Elected by districts	4
Mississippi . .	5	Supervisors	Elected by districts	4
Louisiana . .	Dist.	Police Jury	Elected by districts	4
Texas . . .	Dist.	Commissioners and County Judge	Elected by districts and at large	2
Arkansas . .	Dist.	Levying Court and County Judge	Elected by districts	2
Missouri . .	3	Judges of the County Court	2 elected by districts and 1 at large	2 and 4
Oklahoma . .	3	Commissioners	Elected by districts	6
New Mexico .	3	Commissioners	Elected by districts	2
Arizona . .	3	Supervisors	Elected by districts	2
Colorado . .	3	Commissioners	Elected at large	4
Utah	3	Commissioners	Elected at large	2 and 4
Wyoming . .	3	Commissioners	Elected at large	2 and 4
Montana . .	3	Commissioners	Elected at large	6
Idaho . . .	3	Commissioners	Elected by districts	2
Washington .	3	Commissioners	Elected by districts	2 and 4
Oregon . . .	3	2 Commissioners and County	Elected at large	4 and 6
Nevada . . .	3	Commissioners [Judge	Elected at large	4
California . .	3, 5, or 7	Supervisors	Elected by districts	4

Dist. = One (sometimes more) from each district.
T'ship = One from each township, ward, or village.
N. U. = Not uniform.

189. Judicial Officers. — In all parts of the country, even in the New England States, the county is an important unit for judicial purposes. There is a courthouse in every county and a clerk of the court, unless the county clerk acts as clerk of the court, who keeps records of suits brought in the county and of judgments and decrees of the court when the judge has disposed of the cases; but less than half of the States have a

Rockingham County Courthouse, Harrisonburg, Virginia.

judge for each county. Instead of a county judge it is more common to have a "district" or "circuit" judge, who holds court in several counties according to the needs of the counties in his "district" or "circuit."

The counties of half the States have probate judges, whose duty it is to probate (prove) wills; whereas in the other States the regular county judge, county clerk, clerk of the court, or some other officer probates wills.

Every county, except the five in Rhode Island, has a prose-

cuting attorney to see that criminals are brought to justice, though in a few States he, like the judge, serves for two or more counties and is called the district attorney. If he serves for one county he is called the county attorney, State's attorney, commonwealth's attorney, or merely prosecuting attorney. In fact, he is sometimes called district attorney though his district consists of only one large county.

190. The Sheriff. — Every county has a sheriff, and in all States except Rhode Island (where he is chosen by the State legislature) he is elected by the people.[1] His duty is to prevent any breach of the peace; arrest offenders and place them in the jail, of which he or a deputy appointed by him is keeper; attend court and carry out its orders, whether it be to notify witnesses or jurors, attend the jury, recover property, collect money, or hang a criminal. He is "the right arm of the judge."

In the performance of these duties he may employ deputies regularly or only in case of emergency; he may summon to his aid the *posse comitatus* (power of the county), which consists of the able-bodied male citizens of the county, in case of a riot; and in case of a serious disturbance he may call out the State militia. Special duties are imposed on sheriffs in the different States; for instance, in some Southern and Western States they act as tax collectors.

191. The Coroner. — In nearly all States the coroner[2] is an officer of the county who holds inquests upon the bodies of persons who are believed to have died from violent or other unlawful means. He empanels a jury, usually of six bystanders, who inquire from witnesses, or even physicians, chemists, and detectives as to the probable cause of a death which is

[1] The word "sheriff" comes from *shire-reeve*, which means "peace officer of the shire," shire being the Anglo-Saxon name for a division of England which became known as county (district of a count) after the Norman Conquest of 1066.

[2] "Coroner" is the modern spelling of the older form *crowner*, who in the time of King Alfred was appointed by the king and was especially the crown officer in the shire (county).

COUNTY OFFICERS AND THEIR TERMS OF OFFICE

States	County Judge	Probate Judge	Prosecuting Attorney	Sheriff	Coroner	Clerk of Court	County Clerk	Register of Deeds	County Auditor	County Assessor	County Treasurer	County Surveyor	Supt. of Schools
Maine	....	4	2	2	4*as*	4	——	4	....	....	4	....	....
New Hampshire	....	*Ua*	2	2	5*a*	*Ua*	——	2	1*a*	....	2	....	....
Vermont	....	2	2	2	....	——	*Ua*	....	2*a*	....	2*a*	....	....
Massachusetts	....	*Ua*	....	6	....	6	——	6	....	....	6	....	....
Rhode Island	....	....	....	....	3*a*	....	——	....	....	....	....	....	....
Connecticut	....	....	4*a*	4	3*a*	1*a*	....	....	2*a*	....	2*a*	....	....
New York	6	6	3	2,3,4	3	——	3	3*f*	——	....	3	....	....
New Jersey	5*a*	....	5*a*	3	3	——	5	5*s*	——	....	1*a*	....	....
Pennsylvania	10	10*s*	4	4	4	4	——	4	4	....	4	4	4*a*
Delaware	....	....	4*a*	2	2	4	——	4	4	....	*N.U.*	....	1*a*
Ohio	6	4	2	2	2	2	....	2	4	2	2	2	3*al*
Indiana	....	4*f*	....	2	2	4	....	4	4	4	2	2	4*a*
Michigan	....	4	2	2	2	——	2	2	2*f*	....	2	2	4
Illinois	4	4*f*	4	4	4	——	4	4*f*	4*f*	——	4	4	4
Wisconsin	6	——	2	2	2	2	2	2	——	....	2	2	2
Minnesota	....	4	4	4	4	4	——	4	4	....	4	4	4
Iowa	....	....	2	2	2	2	——	2	2	....	2	——	3*a*
North Dakota	2	——	2	2	2	2	——	2	2	....	2	2	2
South Dakota	2	——	2	2	2	2	——	2	2	2	2	2	2
Nebraska	4	——	4	4	——	4*m*	4	4*s*	....	4*m*	4	4	4
Kansas	....	2	2	2	2	2	2	2	2*as*	2	2	2*a*	2
Maryland	....	4	4	4	2*a*	4	——	——	....	....	*N.U.*	4	6*al*
Virginia	....	——	4	4	2*a*	——	8	——	....	4*s*	4	4*a*	4*am*
West Virginia	....	——	4	4	*Ua*	6	6	——	....	4	....	4	4

North Carolina	....	2*f*	2*f*	2	2	4	——	2	2*f*	2*f*	2*m*	2	2*a*
South Carolina	....	2	——	2	2	4	——	——	2*a*	——	2*a*	....	2
Georgia	——	——	4	4	4	4	....	——	....	4	4*m*	4	4
Florida	4	——	4	4	....	4	....	——	....	....	....	4	4
Kentucky	4	——	4	4	4	6	4	——	....	4	4*a*	4	4
Tennessee	8	——	....	2	4*a*	4	4	4	——	4	2	4*a*	2*a*
Alabama	....	6	....	4	4	6	——	——	....	4	4	4	4
Mississippi	....	——	4*f*	4	4	4	....	——	——	4	4	4	4
Louisiana	....	....	....	4	4	——	4	——	....	4	2*a*	*Ua*	4*a*
Texas	2	——	2	2	....	....	2	——	2*af*	2	2	2	2
Arkansas	2	——	....	2	2	2	2*m*	——	....	2	2	2	2*s*
Missouri	....	4	2	4	4	4	4	4	4*s*	4	4	4	4
Oklahoma	2	....	4	4	2	4	4	——	....	4	4	4	4
New Mexico	....	2	....	2	——	——	2	——	....	2	2	2	2
Arizona	4	....	2	2	....	4	....	2	....	2	2	2	2
Colorado	4	——	....	2	2	2*s*	2	——	....	2	2	2	2
Utah	....	....	2	4	....	——	4	4	4*s*	4	4	4	2*s*
Wyoming	....	——	2	2	2	2*s*	2	——	....	2	2	2	2
Montana	....	....	2	2	2	4	2	——	2	2	2	2	2
Idaho	....	2	2	2	2	4	——	——	——	2	2	2	2
Washington	....	——	4	4	4*f*	——	4	——	4	4	4	4	4
Oregon	6	——	4	4	4	——	4	4*f*	....	4	4	4	4
Nevada	....	....	4	4	....	——	4	4	4	4	4	4	....
California	6	——	4	4	4	——	4	4*s*	4*s*	4	4	4	4*m*

Numeral alone = Term for which officer is elected.
Numeral followed by *a* = Term for which officer is appointed or chosen by some indirect method.
Numeral followed by *al* = Officer appointed for term indicated or *less*.
Numeral followed by *am* = Officer appointed, and most counties have such officer while others are grouped into larger districts.
Numeral followed by *f* = Term for which officer is elected in the *few* counties having such officer.
Numeral followed by *m* = Term for which officer is elected in *most* counties; that is, in all counties having such officer.
Numeral followed by *s* = Term for which officer is elected in *some* counties; that is, in all counties having such officer.
Ua = Officer appointed for an unlimited or indefinite term.
N.U. = *Not uniform* in the various counties as to term.
—— = Duties performed by some other county officer.
.... = Duties performed by an officer of a district larger (*e.g.*, judicial district) or smaller (*e.g.*, township) than a county, if performed at all. A populous county may constitute a district.

known to have resulted or supposed to have resulted from an illegal act.

If the jury decides that the deceased person has probably met death unlawfully at the hands of a certain person, the coroner may issue a warrant for the arrest of the accused and commit him to jail to await trial, or he may report the facts to a committing magistrate or the prosecuting attorney as the State law may provide. In Massachusetts instead of a coroner there is a medical examiner in each county to pass upon unusual deaths. As a knowledge of medicine and pathology is desirable the change made by Massachusetts is a very wise and progressive one.

192. The County Clerk. — In half of the States there is a county clerk. He acts as clerk of the court in some States; prepares election ballots and receives election returns, and issues marriage licenses in others; and audits the county accounts, acts as clerk of the county board, and records documents such as deeds, wills, and mortgages in others. In short, he is assigned various functions of a clerical nature for which there is no specialized officer in the county.

193. The Register of Deeds. — In the more populous States it has been thought expedient to have a special officer to keep the records of such legal documents as deeds and mortgages. It is the duty of the register of deeds to make exact copies of instruments to be recorded and enter them in indexed books where they may easily be found. As one's title to property often depends upon these records it is very important that no mistakes be made.

194. The County Auditor. — Nearly half of the States have a county auditor, whose business it is to go over the accounts of the other officers of the county, prepare statements of county finances, and issue warrants on the treasurer for the expenditure of county money according to the appropriations made by the county board. Until recently the duties of this office were performed in a very loose manner, but the States are gradually

enacting laws for State supervision of local finances. For example, some States require uniform accounting, which can easily be examined by a State accountant or even by an educated citizen of the county.

195. The County Treasurer. — In every State except Rhode Island, where township officers have charge of local funds, and in several Southern States, where banks perform the duties of county treasurers, there is a county officer to receive and safeguard the county taxes. In a few States there are tax collectors in addition to the treasurer, and in several Southern and Western States collections are made by the sheriff. The treasurer is always placed under bond to insure the State and county against loss from dishonesty or carelessness. He is usually paid a definite salary, but some are paid wholly by commissions on the money handled by them.

Many county treasurers deposit the county funds in local banks and earn interest for themselves where there is no law requiring them to earn it for the county. In counties containing large cities many thousands of dollars have been made in this way by a single treasurer.

196. The Superintendent of Schools. — In nearly every county outside of New England (where public education is administered by the township) there is a county superintendent of schools. In most States he is elected by the people, but in some he is chosen by the county school board, the State school board, appointed by the governor, or otherwise selected. In most States his duty is to conduct teachers' examinations, visit schools to observe and advise teachers, assist district trustees in the selection of teachers and with other advice, and collect school statistics; and in many States he acts as assistant to the State commissioner of education in a general campaign against illiteracy and indifference to education.

197. Minor County Officers.—Most counties have a surveyor, who surveys land for private owners at their own expense or upon the direction of the court when a dispute in court over a

land boundary necessitates it. In some of the more progressive States there is a county engineer instead of a county surveyor, who performs those duties formerly done by the county surveyor; but in addition to this he acts as engineer in the construction of roads, bridges, drains, and like improvements.

Southern and Western counties have assessors to determine the value of property to be taxed, but in New England and the Central States this function is usually performed by a township officer. Other usual county officers are a health officer or board and a superintendent or overseer of the poor who has charge of the almshouse, poor farm, or hospital of the county.

198. Counties Unimportant in New England. — The county is of little importance in New England except as a district for the administration of justice. No New England State has a county clerk, county superintendent of schools, county surveyor, or county assessor; only two have a county auditor, and only three have a county register of deeds. The duties of these officers are performed by township officers.

II. Township System

199. Origin of Town Government in New England. — The Pilgrims came to Plymouth, Massachusetts, as a congregation, and very soon (1622) they erected on Burial Hill a "meeting-house," which was used both for public worship and for town-meetings. The church and government were practically one: sermons were preached on the inside to save souls from perdition and a cannon was mounted on the outside to save bodies from the Indians. It was at the meeting-house that the voters met and made their laws directly.

Other congregations from England settled along the coast and established similar governments. As the population of these coast settlements increased, pastors led congregations from them and established towns. The desire to be near the church, the hostility of the savages, the severe climate, and the unsuitable-

ness of the country for large plantations caused the immigrants to settle in compact communities, called " towns."

200. Terms " Town " and " Township " Distinguished. — These communities were called " towns "[1] because they had been so called in England. When it became necessary to survey boundaries between the various towns the small irregular patches of land which resulted were properly known as " townships,"[2] but frontier communities are not very discriminating in their terms, and the term " town " was used not only for the cluster of buildings but for the entire township.

In New England to-day " town " means a political subdivision of a county which in other parts of the country is called " township." For the sake of uniformity we shall use the word township when referring to what is called " town " in New England. The early townships were very irregular in shape and contained an average of not more than twenty square miles.

201. Powers of New England Townships. — For many years the New England townships were undisturbed by the king or parliament of England and exercised such powers of government as are now exercised by a State. They waged war against the Indians, established schools, and as late as the Revolutionary War they appropriated money for war supplies; in fact, they created the States which now control them.

To-day they exercise only such powers as the States permit. They have control of most roads, bridges, schools, libraries, poor relief, and taxation for most local purposes. Some townships have charge of such public works and institutions as street

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[1] When a clan of our ancestors in northern Europe or England fixed upon some spot for a permanent residence and built a wall around it, the wall was known as a *tun;* in time the space within the wall was known as a *tun*, or *town*. The settlers were called by the clan name, as for example "the Boerings" or "the Cressings"; and the town would be called *Barrington*, "town of the Boerings," or Cressingham, "home of the Cressings."

[2] The word *ship*, as here used, comes from the Anglo-Saxon word *scip*, which means shape, hence township means the shape of the town or the entire bounds of the town.

pavements, sewers, water-works, electric light plants, public baths, parks, and hospitals. They also have certain powers to enact police ordinances, such as determining traffic speed restrictions.

The township officers act as agents of the State for an increasing number of functions. They assess and collect State taxes, keep records of vital statistics (births and deaths), and enforce the health laws of the State. Except in one State the township is the usual district from which a representative is elected to the more numerous branch of the State legislature.

202. The Town-Meeting. — Township laws have always been made in the town-meeting. During the first few years the colonists attempted to hold monthly meetings, but this was found to be a cumbersome way to transact business, and as early as 1635 *selectmen* (officers selected by the people) were chosen to administer the affairs of the township during the interval between the assemblies. Thus the government became less democratic (direct rule of the people) and more republican (indirect rule of the people through representatives).

To-day the regular meetings are usually held in the town-hall once a year, but the selectmen may call special meetings. The first Monday in March is a favorite time to have the meetings, but some are held as early as February or as late as April, and Connecticut prefers October. The general nature of the business to be transacted at a meeting must be announced in a warrant which is posted in the various parts of the township.

The town clerk calls the meeting to order, usually at nine o'clock, and acts as secretary of the meeting. The first business is the election of the presiding officer, called the *moderator*. In many townships some well-respected citizen is elected year after year as a matter of course. The organization being perfected, the principal township officers are nominated from the floor, but the nominations have frequently been arranged by preliminary party meetings, called *caucuses*. Election is by ballot, and the

polls remain open several hours, depending upon the population of the township.

The interesting session of a town-meeting occurs after the balloting — usually in the afternoon, but in a few larger towns not until evening. Each voter has been furnished a printed report of the expenditures for the previous year, and the selectmen make an oral report of what has been done during the year.

Town Hall, Arlington, Massachusetts.

It is then that the policy for the next year is to be discussed — the real interest of the meeting.

Nahum Smith may rise and say, " I should like to be informed why the selectmen took the stone from Red Hill quarry instead of Cross Roads quarry, which is nearer." If there is " a rooster in the bag " he is rather certain to crow. It is difficult for a political boss or ring to prosper under this system because any bag containing a rooster must annually or oftener be brought

into the presence of the interested parties, and a Nahum Smith is pretty certain to bring at least one crow from the rooster.

Perhaps the cross-questioning of the chairman of the school committee by Jeremy Jones will bring discomfort to the chairman, much to the delight of the boys seated in the rear of the hall. Or perhaps the article under consideration is the purchase of an electric light plant or an automobile chemical engine. Or the younger blood may be advocating a consolidated school or a new high school, which is probably opposed by Aaron, Hiram, and Nahum, who live in the country some distance from the centre where the school would be located.

203. Township Officers. — *Selectmen*, of whom there are three, five, seven, or nine, three being the more usual number, are the principal officers of the township. They are elected by the town-meeting, annually as a rule, but in some Massachusetts townships they are elected for three years, one being elected each year.

They issue warrants for holding regular or special town-meetings, specifying in a general way the subjects which the citizens desire to have acted upon; lay out highways; grant licenses; arrange for elections; have charge of township property; appoint some of the minor officers; and may act as assessors, overseers of the poor, and health officers. It should be borne in mind that they have no power to determine the tax rate or appropriate money, these functions being performed by the town-meeting, and that they have no powers except those conferred by the State or the town-meeting.

The Town Clerk is just as important as the selectmen, and performs many duties which are imposed upon the county clerk outside of New England. He keeps minutes of town-meetings, of meetings of the selectmen, and other town records; he records the vote for State and county officers and issues marriage licenses; and he records births, marriages, and deaths. He is elected by the town-meeting for only a year at a time, but is usually re-elected for a great number of years.

Other Township Officers are the town treasurer, assessors of taxes, overseers of the poor, justices of the peace (so considered in some States), constables, commissioner of roads (under various titles), a school committee (board), and numerous other less important officers. Most of these officers are elected at the annual town-meeting. Not many years ago the township of Middlefield, Massachusetts, had eighty-two voters and eighteen officers.

204. Absence of Townships in the South and West. — In the Southern and Western States townships cannot be said to exist. In some States the counties are subdivided into one or more sets of districts for one or more purposes. They have no township meetings, and districts other than school districts usually have no power of taxation or of owning property, and few, if any, officers independent of county officers. They are simply convenient divisions for performing county functions. Different districts exist for various purposes, such as schools, roads, justice, and elections; and one kind of district commonly overlaps another kind. The name for the more important of these districts varies from State to State.[1]

III. County Township System

205. Imitation of New England Township Government. — Nowhere outside of New England is township government so important as in those six States, but in the tier of States extending from New York to Nebraska it is of considerable importance. The northern portions of these States were settled largely by emigrants from New England, who were accustomed to township

[1] In North Carolina, South Carolina, Missouri, Arkansas, Montana, and Nevada these districts are called *townships;* in California, *judicial townships;* in Virginia, West Virginia, and Kentucky, *magisterial districts;* in Tennessee, *civil districts;* in Mississippi, *supervisors' districts;* in Georgia, *militia districts;* in Texas, *commissioners' precincts;* in Delaware, *hundreds;* and in the remaining Southern and Western States, *election districts* or *precincts*, except in Louisiana, where the parishes (counties) are subdivided into *wards*.

government; but those who settled the southern portions were from Pennsylvania and the States to the south of the Ohio River and were accustomed to county government. Those accustomed to county government had never attended town-meetings but preferred to elect county officers and trust them with all functions of local government.

The result was a compromise. Some functions were assigned to the county and some to the township. In this tier of States the State government preceded the township government and created it; hence those democratic elements did not develop as they were found in New England, where the township existed first and created the States.

206. County-Township Conflict in Illinois. — When Illinois was admitted to the Union in 1818 the greater number of her citizens were emigrants from the South, who had settled in the southern part of the State; so the State was divided into counties, which were governed by a small board of county commissioners elected at large according to the Pennsylvania plan.

By 1848 when the second State constitution was framed, New England settlers, or emigrants with New England ideas, had settled in large numbers in the northern part of the State; so in this constitution we find a local option provision which permitted the voters of each county to divide the county into townships whenever the majority should vote in favor thereof. To-day 86 of the 102 counties of the State have townships.

207. Township Officers in the Central States. — The New England title of *selectmen* is nowhere found in the Central States. In Pennsylvania, Ohio, Iowa, Minnesota, and the Dakotas their place is taken by a " board of supervisors " or " trustees." In other States there is a well-defined head officer who is assisted, and checked in some matters, by a township board. In New York, Michigan, and Illinois, where this officer is called " supervisor," he is also a member of the county board of supervisors. In Indiana, Missouri, Kansas, and Oklahoma the title of " township trustee " is applied to this officer. The other usual town-

ship officers are the clerk, assessor, treasurer, overseer of the poor, overseer of roads, justices of the peace, and constables.

208. Village Government Weakens Township Government. — Townships of the Central States are not only under greater State and county control than New England townships, but as soon as a considerable settlement develops it will obtain a "village" or "town" charter from the State and then exist as a separate government, performing all or certain functions within its boundaries that were formerly performed by the township. In New England many compactly settled communities which would be incorporated cities in other States and absolutely independent of the township are there a part of the township.

IV. Geographical Townships

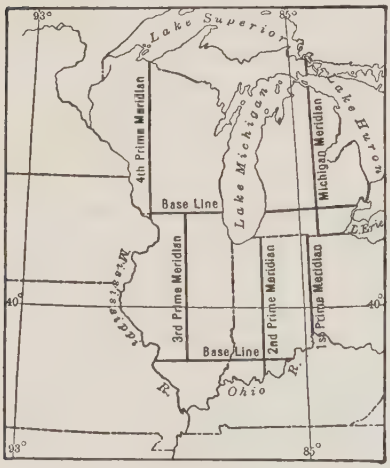
209. The Terms "Governmental Township" and "Geographical Township" Distinguished. — In the preceding sections we discussed townships merely as divisions of territory for the purpose of government, and these are known as governmental or political townships. Divisions of territory for the purpose of surveys are another kind of townships, and are known as geographical or congressional townships because they are merely bounded by imaginary lines drawn upon the earth in accordance with Acts of Congress.

In States where the geographical townships were surveyed before settlements were made, they were generally used also as governmental townships; but in some localities natural obstacles, such as rivers and mountains, made them unsuitable for purposes of government, and separate areas were created for governmental townships.

210. Conditions Preceding Geographical Townships. — During the colonial period New England and the Southern States developed two very different land systems. In the South as the settlers pushed from Virginia and North Carolina into Kentucky and Tennessee the pioneer selected a fertile piece of land where he chose and occupied it. A rude survey was made

by a public surveyor or his inexperienced deputy, the limits were marked by "blazing" the trees with a hatchet, and the survey was put on record in the State land office.

Conflicting patents[1] were not infrequently given for the same tracts, and this produced no end of lawsuits. Some of the feuds for which the mountains of eastern Kentucky were once famous are said to have grown out of these disputed land patents and the irregularly shaped pieces of land which lay between the patents. This Southern system, which encouraged initiative and resourcefulness, has been called "indiscriminate location."



In New England the laying out of geographical townships preceded the settlements made during the eighteenth century, and there could be no title to land outside of townships. Square townships were easier to survey in a systematic way than those of any other shape; hence when the land north of the Ohio River, known as the Northwest Territory, was to be surveyed, Thomas Jefferson suggested that it be surveyed into square townships for convenience of description when sold by the government, and to prevent disputes as to title. He also had in mind that they would be of convenient size as governmental townships.

211. Geographical Townships in the West. — When Congress was preparing for the government and settlement of this Northwest Territory, the National government decided that it should

[1] "Patent" as here used means a written title to land granted by the proper State authority.

be laid out into townships six miles square.[1] A law of Congress passed in 1785 applied this system of rectangular surveys to all lands belonging to our public domain. This "Ordinance of 1785" was the foundation of the American land system, and its leading principles have continued in operation to the present day.

According to the system gradually perfected, north-and-south and east-and-west lines are established. As starting points certain meridians have been designated as *prime meridians*. There are twenty-four of these, the first being the dividing line between Ohio and Indiana, and the last running a little west of Portland, Oregon.

On each side of the prime meridian are subordinate meridians known as *range lines*. These lines are six miles apart and are numbered east and west from their prime meridian. There must also be a *base line* for each survey following a parallel of latitude, and this crosses the meridians at right angles. There are numerous base lines for surveys in different parts of the country. For example, eleven of them cross the State of Oregon.

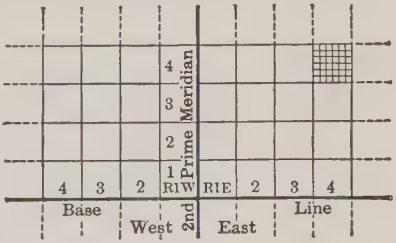


FIGURE 1.

On each side of a base line are subordinate parallels called *township lines*, six miles apart, and numbered north and south from their base line. Thus these range lines and township lines divide the land into townships six miles square.

The map shows the prime meridians and base lines in the States of Ohio, Indiana, and Illinois; that is, in the area between the Ohio and Mississippi rivers. From any prime meridian the tier of townships directly east is called range 1 east (R. 1 E. in Figure 1) and of course other ranges are numbered east and west of that meridian. They are likewise numbered 1, 2, 3, etc. both

[1] The fact that a six-mile square rather than any other size square was adopted by Congress has no special significance.

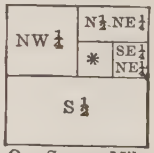
north and south of the base line. Thus the sectioned township in Figure 1 is township 4 north, range 4 east of the 2d Prime Meridian in the State of Indiana.

6	5	4	3	2	
7	8	9	10	11	12
18	17	16	15	14	13
19	20	21	22	23	24
30	29	28	27	26	25
31	32	33	34	35	36

Six Miles Square

FIGURE 2.

This township six miles square is surveyed into thirty-six square miles, which are numbered as shown in Figure 2, and each square mile is called a *section*. Each section is subdivided into rectangular tracts known as halves, quarters, half quarters, and quarter quarters, as shown in Figure 3. Thus if we consider this square mile (Figure 3) as section 1 of Figure 2 we should describe the forty-acre tract starred in Figure 3 as follows: SW¼, NE¼, Sec. 1, T. 4 N., R. 4. E., which means the southwest one quarter of the northeast one quarter of section 1, township 4 north of the base line in range 4 east of the 2d Prime Meridian in the State of Indiana. So you can readily see that if this tract is to be sold it is very easy to describe it in the deed of conveyance[1] without the costly aid of private surveyors.



One Square Mile

FIGURE 3.

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QUESTIONS ON THE TEXT

1. Explain how county government originated in America.
2. What functions are performed by county governments?

[1] A deed of conveyance is a contract giving the boundaries of real estate transferred from one person to another.

3. What State first established county "boards of supervisors"? "Boards of commissioners"? How did they differ originally?

4. What legislative powers have the county boards? What administrative powers?

5. What judicial officers has a county?

6. What other county officers are there in the State in which you live? For what terms are they selected? What are their duties?

7. What is meant by *posse comitatus?* Of whom does it consist?

8. What officer does Massachusetts have instead of a coroner? Why is the Massachusetts plan preferable to that of most other States?

9. Who grants marriage licenses in the State in which you live? Who records deeds?

10. Explain how the New England town or township originated.

11. What does "town" mean in New England? What does it mean in the South and West?

12. What powers do New England towns possess?

13. Explain the work done by a town-meeting. What is a town "warrant"? What is a moderator? What are the duties of the selectmen?

14. What are the benefits of a New England town-meeting?

15. How are the various town or township officers selected in New England? For what term?

16. By what name are the districts known into which the counties of your State are divided?

17. Explain to what extent the Central States imitated New England township government.

18. Why are townships less important in States having numerous villages than in New England?

19. Describe the county-township conflict in Illinois. In what division of States are counties least important?

20. In your State what title is applied to township officers, such as the "selectmen" in New England?

21. What is meant by a governmental or a geographical township? How did they come into existence, and why are they useful?

22. Explain how a survey of land is described where geographical townships exist.

Questions for Discussion

1. Give the names of as many county officers as you know.
2. Bound the county in which you live.
3. If you had a vote would you vote for a member of the county

board of commissioners or supervisors who favors low taxes or high taxes?

4. Could your county board enact an ordinance requiring all heavy vehicles to have wide tires? If not, what body could give it authority to do so?

5. In Virginia each city of the first class forms a separate county. Should not county and city government be merged so as to save the expense of a double organization?

6. Some Southern counties have dispensed with a county treasurer and the taxes are collected and warrants paid by a designated bank for about half the usual cost. Do you favor this new plan?

7. In California and in Maryland a county may have a charter and govern itself much as a city is governed. That is, a county may have a greater degree of "home rule" than the other counties of the State if the majority vote in favor of a charter. Would you favor a law permitting your county to have a council and a greater degree of "home rule"?

8. Write a county ordinance which you would like your county board to enact. It should begin: "Resolved, That," etc.

9. Does your State have the county system of government, township system, or county-township system? What are the merits of each? Which has the greater educational value? Which is more efficient? Which is more expensive?

10. If you live in a township name as many township officers as you know?

11. The Torrens System of title registration, devised by Sir Robert Torrens for Australia in 1857, has been adopted by a number of American States. It provides for the conveyance of real property by registration and certificate of title. An officer of the government investigates all the documentary evidence of title, descriptions of boundaries, etc. The owner is furnished a certificate giving details of the title which he has to the property, and a duplicate is filed with the county or township registrar. When the property is sold, the owner delivers a deed which is taken by the State and kept on file, the certificate of title is issued to the purchaser, and the transaction is recorded at the registrar's office. This does away with the necessity of repeated title examinations. Would you favor this system for your State?

CHAPTER XXIV

VILLAGE AND CITY GOVERNMENT

I. Village Government

212. "Village" Defined. — A village is an organized community whose population is less and whose government is more simple than that of cities in the same State. When enough people collect in a district sufficiently compact to justify such public improvements as sidewalks, street lights, and a public supply of water, a State permits them to form a government separate from that of the township or county in order that they may select officers, collect taxes, and provide these public conveniences within the defined area.

In the New England States villages have not been created, except in a few cases in Maine, Vermont, and Connecticut, because there the township itself is sufficiently organized to collect taxes and provide these public conveniences.

In the West and South the small incorporated centres of population are called "towns," but in the States east of the Mississippi River which border on Canada they are more generally known as "villages," and in Pennsylvania, New Jersey, and Connecticut the English term "borough" is commonly used. However, for the sake of uniformity, the term "village" will be used to include towns and small boroughs.

213. How Villages Are Incorporated. — Each State prescribes under what conditions and in what manner a community may become incorporated as a village. In Alabama 100 inhabitants are all that are necessary, but a minimum of 200 or 300 is a more common requirement. Some States further specify that the

required number of inhabitants must reside within a prescribed area — a square mile in New York State.

In some States a community may become an incorporated village by a charter enacted by the State legislature, but the usual procedure is for the inhabitants to present to a designated public officer a petition with a prescribed number of signatures. When this officer is satisfied that the conditions necessary to become a village are fulfilled, he will declare that the people living within a certain surveyed area are incorporated[1] as the village of X and have such powers of self-government as the State has granted to villages. In most States the officer may not declare a village incorporated until the inhabitants have voted in favor of it at an election called by the officer when petitioned to do so by a prescribed number of the inhabitants.

214. Powers of Villages. — The few incorporated villages of New England continue a part of the township for many important purposes, such as roads and schools, but may provide for sidewalks, water, lights, sewers, fire protection, and police protection, independently of the township. In those States which adopted the New England township system the villages remain a part of the township for certain purposes, but are more independent of the township than those in New England.

In certain other States, including New Jersey, Pennsylvania, Wisconsin, Minnesota, and the Dakotas, the villages are entirely independent of the township and have power to perform township functions in addition to the usual village functions. In the South and West, villages, called "towns," are usually included in the township, or county district known by some other name, but as these districts are unimportant the village has power to deal with practically all local problems except those attended to directly by the county.

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[1] "Incorporated" means created into a legal body (artificial person) by the State. This body may then bring suit in court, borrow money, or enter into other contracts as a natural person may do.

215. The Organization of Village Government. — *The Council.* — Every village has a legislative body usually known as the council or the board of trustees. This body varies in number from three to nine, and is usually elected at large for terms of one or two years. In all States the council has power to determine the tax rate, within certain limits prescribed by the State, and to appropriate the money for the various needs of the village.

Generally it can levy special assessments against persons whose property borders streets which have been especially favored by sidewalks or other improvements; but villages have rather limited power to borrow money, and most villages must submit the question of a bond issue to the voters. The power to pass ordinances differs from State to State and often from village to village as provided by the State. Commonly a council may choose certain officers and regulate their duties; pass health and police ordinances on special subjects within certain limits; determine the license taxes of movies, pedlers, public vehicles, and other businesses that are licensed; control streets, bridges, and public grounds; maintain police and firemen; and control any public services owned by the village, such as water and light plants.

The Mayor. — The principal executive officer of a village is usually called "mayor" or "president," and is ordinarily elected for one or two years. He presides over council meetings, and usually has the rights of a member, but in some villages he merely casts the deciding vote in case of a tie, and in very few places does he have the veto power. He enforces the village ordinances enacted by the council, and in a number of States he acts as police justice.

Every village has a clerk or recorder, a treasurer or collector, and a police officer ("constable," "marshal," "sergeant," or "bailiff"). There are, in many places, a street commissioner, an assessor, and an attorney or solicitor. In the West these officers are usually elected by the voters; in other sections they are commonly selected by the council or appointed. Some

villages have a justice of the peace, and if the village forms a separate school district it, of course, has school officers. Larger villages have such officers as health, fire, lighting, sewer, or cemetery commissioners.

II. City Government

216. Meaning of the Term "City." — A city is a governmental unit created by the State, with more population and more powers than a town or village. Each State determines how many inhabitants a town or community must have to become a city, and what governmental powers it will permit its cities to exercise.

In Kansas a community with as few as 200 inhabitants may become a city, but in New York State 10,000 inhabitants are required. There are about as many of our forty-eight States which create city governments with less than 2500 inhabitants as there are which require a greater population, but the United States census classifies as cities all incorporated places with as many as 2500 inhabitants.

217. Rapid Growth of Cities. — When the first United States census was taken in 1790 only 123,475 people, or about 3 per cent of the population, dwelt in cities with as many as 8000 inhabitants. New York, Philadelphia, Boston, Baltimore, and Charleston were then the only cities of that size.

Just nine years previous to the taking of this first census Watt had taken out a patent for his double-acting steam engine, which made large-scale manufacturing possible. Fulton's steamboat (1806) and Stephenson's locomotive (1829) made easy the transportation of raw materials to the factories and the distribution of the manufactured products from the factories. Thus factories were erected where there was water transportation or rail transportation, and workmen from scattered shops, which were put out of business by the factories, had to move to the factory town and help make it a city.

As a result of the invention of various farming implements

less labor was needed for the production of food and other raw material; therefore the excess labor was employed in turning the raw products into luxuries — grains into breakfast cereals, wool and cotton into fine clothes, and iron ore into automobiles. So long as improved machinery and fertilizers continue to reduce the amount of labor necessary to produce the world's food supply, so long will the proportion of people who live in cities probably continue to increase.

The number of cities in the United States with 8000 or more population from decade to decade has been as follows:

Date	Number of Cities	Per Cent of Total Population	Date	Number of Cities	Per Cent of Total Population
1790	5	3.1	1860	141	16.1
1800	6	4.0	1870	226	20.9
1810	11	4.9	1880	286	22.6
1820	13	4.9	1890	447	29.0
1830	26	6.7	1900	545	32.9
1840	44	8.5	1910	778	38.8
1850	85	12.5	1920	924	43.8

This rapid growth of cities is not peculiar to the United States, but is world-wide, and is due to industrial conditions. City growth in England and Germany has been even greater than in the United States.

New York City, with 5,620,048 population, competes with London for first place among the cities of the world. It has a foreign-born population of about 2,000,000, including about 400,000 Italians, 200,000 Irish, and 200,000 Germans. There are 1,000,000 Jews in New York City — more than in all Palestine. It has an increase in population of nearly 100,000 a year, an annual expenditure of about $350,000,000, and a debt exceeding $1,000,000,000.

218. Council-Mayor Type of City Government. — There are three types of city government in the United States — council-

mayor, commission, and manager. Of these the council-mayor type is the oldest and as yet the most prevalent. It consists of a council, usually a large one, to make the laws, and a mayor to enforce them.

At one time or another the councils of most of our large cities have been composed of two chambers, a board of aldermen and a common council, but the present tendency is strongly towards a single-chamber council. Of our ten largest cities none retains a council of two chambers, and very few small cities have councils composed of two chambers.

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THE MUNICIPAL BUILDING, NEW YORK.

The council, elected by the voters of the city for terms varying from one to four years, enacts all city ordinances, determines the tax rate, and appropriates the revenues for city purposes. Committees of the council have some control over the administrative departments, such as the street or police department, but the tendency is to make the head of each department responsible to the mayor.

The mayor is elected by the voters of the city for a term varying from one to four years. Under him are the heads of various departments, such as street commissioner and police commissioner. These officers are elected by the voters in some cities, but in most cities they are selected by the council or appointed

by the mayor with or without the approval of the council. In some cities the mayor presides at council meetings, and in nearly all cities he can veto ordinances passed by the council, which can then become law only by a larger vote of the council — usually two thirds.

City judges are sometimes appointed by the governor of the State for long terms, but in most cities they are elected by the citizens for a term of only a few years, and those for minor courts are in some cities chosen by the council.

The school affairs of a city are usually intrusted to an independent board; and in many cities other duties are intrusted to boards more or less independent of the foregoing organization.

The council-mayor type of city government has been criticised because no one person is responsible. The government is so complex that the citizens do not understand the working of it; therefore some shrewd person, usually a corrupt politician, by making a practical study of it, often makes himself political boss. He receives no salary as boss, but by controlling the elections and filling the offices with his friends he can compel them to spend large amounts of money in a manner which will yield "graft" for him. For instance, in 1868, when Tweed was boss of New York, a court-house was designed which was to cost $250,000. Three years later more than $8,000,000 had been expended upon the building and it was still unfinished. For thermometers, $7500 was charged. Contractors for various parts of the building presented enormous bills and then divided with the boss.

Even if a city avoids a boss it is little better off. The officers are then elected at random and are not likely to work together harmoniously. The mayor will veto the ordinances passed by the council, or the department heads will not enforce them, or the head of the water department will tear up the new paving laid by the street department.

If an individual wants to make complaint of bad service and goes to the head of a department, the citizen will, in all proba-

bility, be told that the mayor has not authorized the department to act. He then goes to the mayor and is told that the request is a proper one but that the council failed to vote funds for that particular service. The individual cannot visit a hundred councillors, more or less; therefore the bad service continues bad. Each officer shifts the responsibility to another because no one has power to act.

This complex government has fallen into bad repute in many places, and has been abandoned for the more simple types of city government such as the commission or the manager types, which reduce the number of offices and centralize responsibility.

219. Commission Type of City Government. — A commission government is one in which a few elective officers (usually five) exercise all legislative and executive powers and are held responsible to the voters for their proper use. This form of city government was first tried at Galveston, Texas, in 1901, and came by chance. On September 8, 1900, a tidal wave swept over the island city. The bridges connecting the city with the mainland collapsed, buildings fell, the water-works and the lighting plant were destroyed, the wood-block paving floated off in great strips, and about 6000 of the city's 37,000 inhabitants perished.

This city had been extravagantly managed under its council-mayor type of government. Expenditures had regularly exceeded receipts, and the deficit had been made up by selling city bonds, that is, by borrowing. After the flood, persons owning these bonds had so little faith in the government that they were willing to sell them for sixty cents on the dollar. The old inefficient council of twelve men passed resolutions but did little else to restore the city and its credit.

The Deepwater Committee, an organization of substantial business men previously formed to bring about the improvement of the harbor, interested itself and had a new city charter prepared. They had a member of the State legislature present it to the legislature for adoption. At the same time the Deep-

water Committee issued an address to the people of Galveston, which read, in part:

"We are asking for a charter placing the entire control of the local government in the hands of five commissioners, designed to benefit the people rather than to provide sinecures (offices with no special duties) for the politicians."

The legislature granted the charter, and in September, 1901, a year after the catastrophe, the new government went into operation.

The Galveston Type of Commission Government. — The Galveston government has undergone practically no change during the intervening years, except that in 1903 the provision whereby the governor of the State appointed three of the five commissioners was declared to be in conflict with the constitution of the State. Since that date all the commissioners have been elected; hence the name " commission government " no longer accurately describes the government, because a commissioner is a person appointed. However, the name " commission government " has persisted, but in all commission cities the commissioners — called *council* in many " commission cities " — are elected. The provisions of the Galveston charter are:

(1) Four commissioners elected by the voters of the entire city for terms of two years with a salary of $1200 a year. (These commissioners are business men, and devote only a portion of their time to the city service.)

(2) Joint power of the commissioners
- (*a*) to enact all city ordinances, except that bond issues must be submitted to the people for their approval or rejection;
- (*b*) to grant franchises (permits) for such public services as street railways;
- (*c*) to appoint an expert head and subordinates for each administrative department and dismiss them with or without cause.

(3) Commissioners elected for following departments: finance and revenue, water-works and sewage, police and fire, and streets and public improvements.

(4) Mayor-president elected by the voters for two-year term. (He must devote six hours a day to city affairs; receives $2000 a year; has no veto; and is merely first among equals so far as actual power is concerned, but endeavors to harmonize the work of the commission, and represents the city at social functions.[1])

Good results from the new form of government were almost immediate. A sea wall was built, a causeway for vehicles and for electric and steam railways was constructed to the mainland, and the level of the city was raised.[2] Bonds are again worth full value, and a proper proportion of the debt has been paid without increasing the tax rate.

During the decade following the change in the form of government $136,000 was earned in interest derived from city deposits. Under the old régime no interest had been required of the favored bankers. The Galveston plan soon became famous and spread to other Texas cities.

In 1907 the citizens of Des Moines, Iowa, became dissatisfied with their council-mayor type of government, and the Commercial Club arranged a debate to discuss the merits of the commission government as compared with a small council and strong mayor plan. As the result of the debate a large majority of the committee of three hundred citizens who had been named as "jurors" decided in favor of the commission plan. The Iowa legislature was appealed to, and enacted a general law allowing any city of a prescribed population to adopt this new plan of government.

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[1] The school board is elected at a special election and is not subordinate to the commission, but is dependent upon it for appropriations of money. Judges are likewise selected independently of the commission.

[2] A canal 2½ miles long, 300 feet wide, and 20 feet deep was excavated from Galveston Bay through the residential section of the city. The houses were moved to vacant lots. Self-loading, self-propelling, and self-discharging dredges sucked sand from the bottom of the bay, brought it into the canal and discharged it through pipe lines, the water draining back into the canal. When the work was completed the canal was refilled and the houses replaced on the foundation thus made.

The Des Moines Type of Commission Government is practically the Galveston plan with the five additional features:

(1) *The Initiative* — 25 per cent of the voters can propose a city ordinance and have it voted upon at a special election, or 10 per cent of the voters can have an ordinance voted upon at a regular election.

(2) *The Referendum* — 25 per cent of those who voted at the last election can have an ordinance which the commission has passed referred to popular vote for approval or rejection, provided the petition is presented within ten days of the date of its passage.

(3) *The Recall* — 25 per cent of the voters may demand that any one or all of the commissioners again stand for office at a special election called before the expiration of the term.

(4) *Non-Partisan Primaries Followed by Non-Partisan Elections* — Any person may have his name placed upon the primary ballot by presenting a petition containing twenty-five names. The names of candidates are arranged alphabetically with no indications of party. The ten highest are placed upon the ballot for the regular election in the same manner, and the five highest are elected.

(5) *A Civil Service Committee* — A committee of three citizens is appointed by the commission, for a term of six years, to examine employees for subordinate positions. The employees, however, may be removed by the commission.

The advantages of the commission government are: (1) the number to elect is small; (2) they can act promptly; (3) they have full power to act, and cannot shirk their responsibility by referring an aggrieved citizen to some one else; and (4) they are easier to watch than if they were many.

The way to get good government is to give power to a few people and watch those few in order to hold them responsible. A city boss does not steal when he is being watched. The commissioners meet in public, record their votes for the inspection of the public, publish their ordinances in the papers, and issue frequent financial reports.

If they refuse to enact an ordinance which the majority of voters desire, the voters themselves may initiate and pass it (initiative); if the commission passes one which the voters do not want they may have it referred to them and reject it (refer-

endum); if the commissioners are believed to be dishonest or are inefficient, a new election may be called and one or all of the commissioners recalled by electing others to take their places

San Francisco City Hall.

The Civic Auditorium, Public Library, and California State Building, which also face this Civic Center, cost a total of $20,000,000.

(recall). Thus we get government for the people by a few who are responsible to the people.

But it must be remembered that no plan is self-executing or can dispense with civic righteousness and public spirit. A good type of government does not take the place of other reforms, but supplements them. Eternal vigilance on the part of citizens will always be the price of good government.

220. The Manager Type of City Government. — The manager type of government is really a modification of the commission type. It consists of a council of three or five members, according to the size of the city, who determine the policy, but select a manager to administer the government of the city. The council of five who represent the people are like the directors of a commercial corporation who are selected by the stockholders to determine the business policies, and the city manager selected by the council is like the general manager of a commercial corporation.

In 1907 Staunton, Virginia, was casting about for a plan of government which would increase the efficiency of its city government, and would have adopted the commission plan had not the constitution of Virginia then required all cities of the first class to have a two-chambered council, for Staunton is a city of the first class. However, the city charter permitted the council to appoint new officers, and early in 1908 it appointed a " city manager." The manager was given full charge of the administration of the city, and was allowed to appoint and dismiss heads of departments and other city employees.

The manager of Staunton for the first three years was Mr. Ashburner of Richmond, formerly construction engineer for the Chesapeake and Ohio Railroad Company. Through business-like methods he brought about efficient administration for the city. For example, by purchasing supplies for all of the departments he saved a neat sum for the city; he laid granolithic walks at about half their cost when put out at contract under the old system; and by putting metres in all houses the usual shortage of water was overcome. About a hundred other cities have added a manager to their existing form of government.

The first real manager government was organized by Sumter, South Carolina. The National Short Ballot Organization, which has since merged with the National Municipal League, prepared a model charter which, with a few modifications, Sum-

ter adopted in 1912, after obtaining permission from the State legislature. The first three councilmen were exceptionally capable men, one being a planter, one a banker, and the third a lawyer. They advertised for a manager and chose one from another State. He brought about a number of economies.

An interesting incident is told of how this manager got rid of mistletoe which was killing miles of trees in the streets of the city. It had not been removed previously because of the great cost. The manager knew that mistletoe has a time and place value, so he had a number of workmen cut the mistletoe from the trees and sold it in the North for enough to cover the entire cost of having the trees cleaned.

An amendment added to the Constitution of Ohio in 1912 permits cities to draft their own charters, and after the flood in the spring of 1913 Dayton elected a charter committee pledged to the manager plan, and their charter was accepted by the voters. Dayton was the first city with more than 100,000 inhabitants to adopt the manager plan.

The Dayton Type of Manager Government is as follows:

(1) A Commission of five elected from the city at large for a term of four years, partial renewal biennially, on a salary of $1200. Duties: enact ordinances, determine policy, make appropriations, and elect a manager and a civil service board.

(2) A Mayor who is the commissioner receiving the greatest vote the year that three are elected. Merely first among equals. Duties: presides at meetings of the commission, is ceremonial head of the city, suits against the city are brought in his name, is agent of the governor in carrying out the State militia law, but has no veto.

(3) A Manager chosen by the commission for an indefinite term. Removed either by commission or by recall of the voters. Salary determined by the commission. Duties: enforces the city ordinances, employs and dismisses department heads, dismisses even civil service employees subject to appeal, advises commission as to needs of city.

(4) Non-Partisan primaries and elections.

(5) Initiative.

(6) Referendum.

(7) Recall of commissioners or manager.

(8) Publicity provisions as in the regular commission plan.

The manager type of government has given satisfaction to the majority of people in Dayton, but minority groups, such as Socialists, complain that they have no representation because all five commissioners are elected at large.

On January 1, 1924, Cleveland, the fifth largest city in the United States, inaugurated a manager type of government similar to that of Dayton, with two important changes:

(1) Instead of a commission of five elected from the city at large for a term of four years, Cleveland elects a council of twenty-five members for two years from four districts, which elect from five to nine members each according to the population of the district.

(2) Instead of a non-partizan primary and election, Cleveland has its candidates nominated by petition and elected according to the proportional representation plan. (See Sec. 242.)

More than two hundred cities and towns have adopted the manager type of government by charter amendments in addition to the hundred whose councils have added a manager to their old type of government.

The advantages of the manager plan are: (1) The burdensome duties are performed by the manager, therefore a prominent business man can afford to serve as commissioner because he can continue with his regular business. (2) The manager may be chosen from within or without the city. (3) The manager may be chosen without political considerations. A manager recently said that he did not know the politics of any of his subordinates. (4) Powers and responsibility are centred in one man. "If anything goes wrong you know whom to hang." Either the manager or three of the five commissioners are to blame. Commissioners give the manager great latitude. (5) It makes city governing a profession instead of political "graft." For instance, the manager of Staunton received $2500 a year, but was successful and became manager of Springfield, Ohio, on a salary of $6000, and then of Norfolk, Virginia, at $12,000, and now of Stockton, California, at $20,000.

221. Home Rule for Cities. — A city government has only such powers as the State grants it. These powers are usually enumerated in a charter which contains the name of the city, a description of its boundaries, the form of its organization, and an enumeration of its powers. Until recent years it was the practice in most States for the legislature to grant a separate charter for each city. This procedure occupied much of the time of the legislatures and resulted in a favoritism to certain cities. In time, however, many State legislatures grouped their cities into classes and enacted general uniform laws for the government of all cities of a class.

City inhabitants felt that they should have more control over their own government, and recently "home rule" provisions have been placed in the constitutions of a number of States. These provisions allow the people of a city, under certain restrictions,[1] to frame their own charter. Of course these charters must not contain provisions inconsistent with the State laws.

Of the States permitting cities to draft their own "home rule" charter none is more liberal than Ohio.[2] The Ohio Con-

[1] The restriction may be a four-sevenths majority of the city voters, the approval of the governor, or the approval of the legislature.

[2] The following States have constitutional municipal home rule:

State	Year of Adoption	Applicable to
Missouri	1875	Cities of over 100,000
California	1879	Cities of over 3500
Washington	1889	Cities of 20,000 or over
Minnesota	1896	Any city or village
Colorado	1902	Cities of 2000 or over
Oregon	1906	Any city or town
Oklahoma	1908	Cities of over 2000
Michigan	1908	Any city or village
Arizona	1912	Cities of over 3500
Ohio	1912	Any city or village
Nebraska	1912	Cities of over 5000
Texas	1912	Cities of over 5000
Maryland	1915	Baltimore and any county
Pennsylvania	1922	Any city
New York	1923	Any city
Wisconsin	1924	Any city or village

stitutional Convention of 1912 gave cities the power either to frame their own charters or to adopt by local referendum any general or special charter laws which the State legislature might pass. The legislature promptly prepared three model charters; one of the council-mayor type, one of the commission type, and one of the manager type. However, most of the larger cities of Ohio prepared their own charters and are now enjoying self-made or " home rule " charters.

222. City Problems. — *City Portals.* — Every city should have a union station for the convenience of the traveling public.

National Airgraph Company.

THE UNION STATION, WASHINGTON, D. C.

Mail is delivered directly from the cars to the City Post Office, which can be seen to the left of the station.

One of the most attractive and convenient union stations is that at Washington, D. C. About $25,000,000 was expended for the site, approaches, and building. Of this amount the United States Government and the District of Columbia government contributed about $5,500,000.

Under the leadership of the Van Sweringen brothers [1] a union station is being built in the center of Cleveland which will probably represent a cost of $60,000,000. More than 150 structures were pulled down over an area of about 31 acres. The station proper will be below the surface because the trains enter under ground. Above the station will be a sky-scraper office building.

Street Paving. — In the material development of a city the question of street paving is of first importance. The cost and desirability of pavements vary with proximity to materials and climate, but the following table applies to most places.

Economy in Construction [2]	Economy in Repair	Durability	Cleanliness	Noiselessness	Safety
1st Concrete	Granite	Granite	Asphalt	Wood	Granite
2d Asphalt	Brick	Concrete	Concrete	Asphalt	Concrete
3d Brick	Wood	Wood	Brick	Concrete	Brick
4th Wood	Asphalt	Brick	Wood	Brick	Wood
5th Granite	Concrete	Asphalt	Granite	Granite	Asphalt

Public Utilities. — A public utility is an enterprise which, though under private ownership, makes use of public property and is a natural monopoly. Street railways, telephone lines, gas plants, and electric lighting plants are good examples of city public utilities.

In past years many cities tried the plan of setting two public service companies at rivalry with one another, but this involved public inconvenience, and soon competition proved unprofitable and a resulting combination would raise rates enough to recover former losses.

There can be no economic competition between public utilities operating in the same area. Therefore as public utilities are

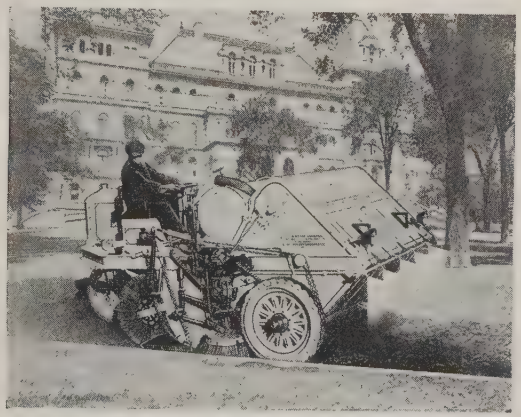
[1] Born in obscurity and without wealth less than 50 years ago, these brothers entered the suburban real estate business in Cleveland about 25 years ago, and now control the Nickel Plate and other railroads valued at more than a billion dollars.

[2] Costs of construction are published at intervals in *Public Works*.

monopolies by nature there must be public authorities over them to prevent any abuse of their power. These public authorities are needed in the interest of

(1) the individual citizen, because it is the inclination of monopolies to enrich themselves at the expense of their customers and patrons;

(2) the community, because high prices of public services discourage city growth;



Courtesy Elgin Sales Corporation.

SMOOTH PAVEMENT MAKES POSSIBLE CLEAN STREETS.

(3) the company, because, if regulated, investors will have more confidence, and capital can be procured at more reasonable rates.

A public utility must obtain a *franchise* (right to use public streets or other property), which is commonly granted by the city council. This franchise specifies the duration of the privilege and contains many provisions as to the rates and quality of service.

In order to make the regulation of public utilities elastic it is usually provided that differences of opinion regarding rates and service shall be determined by a *public service commission.* The larger cities sometimes have a public service commission

of their own, but more often they are State-created bodies because

(1) the public utility often extends beyond the city boundaries;

(2) the commissions are expensive;

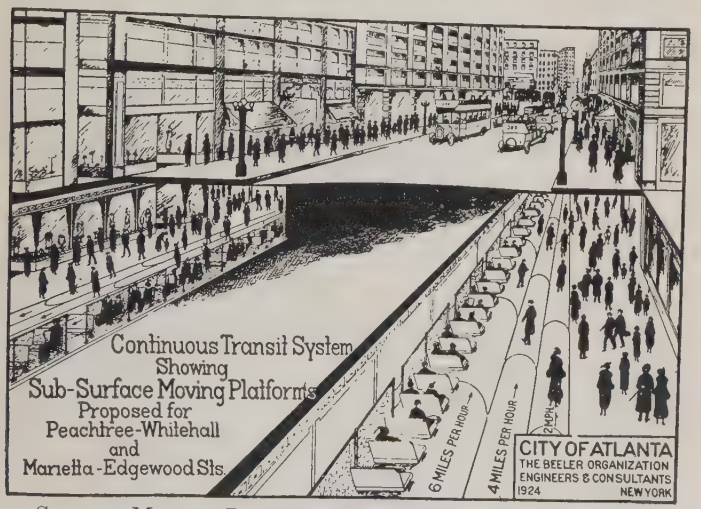
(3) a State commission is less likely to be prejudiced.

A Proposed Solution for a Congested District.

Electric Railways. — Most of our street railways are privately owned, but there are a few cities that own their railways. San Francisco began to operate certain lines in 1912 and has gradually extended them. In 1919 Seattle purchased the lines within the city limits. In 1922 Detroit, and Ashtabula, Ohio, did likewise. There are a few smaller cities that own and operate their street railways. City governments have usually participated in the building of subways.[1]

[1] The only American subway systems for passengers are those of Boston, Greater New York, and Philadelphia. Chicago has a subway for freight.

A new development in the field of electric railways is the trackless trolley. The city of New York is operating several such lines in Richmond Borough. The advantages of the trackless trolley are: (1) The cost of constructing a trackless trolley line is only about $4000 a mile in comparison with $40,000 and up for a track and trolley; (2) the cost of operation is less than that of the standard car or the gasoline bus; and (3) it can pull up to the curb for passengers and can go around other traffic.

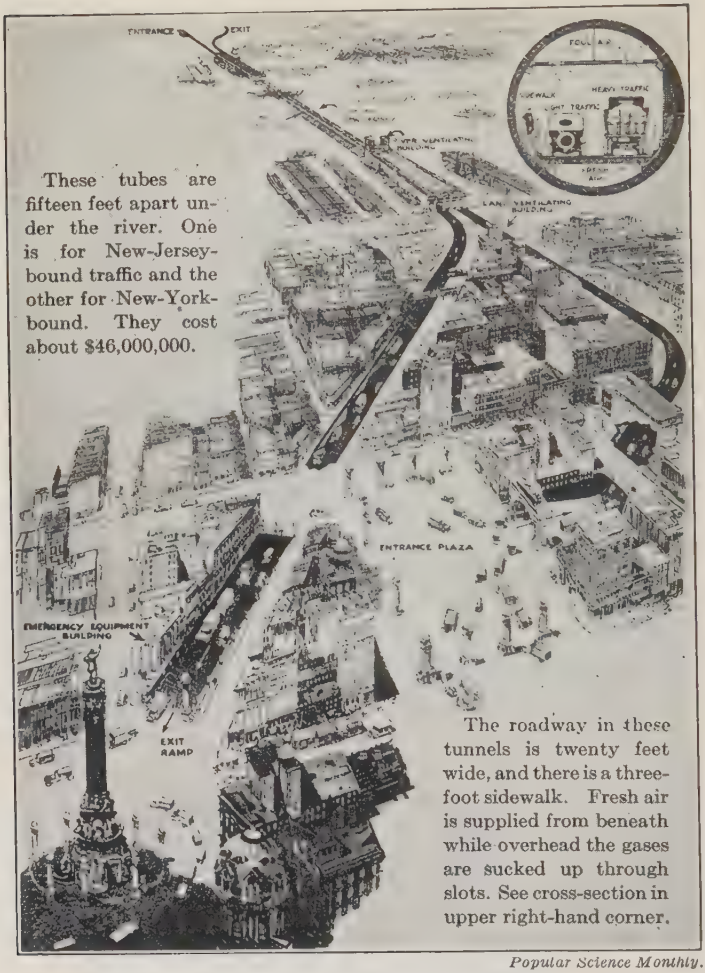


Subway Moving Platforms Proposed for a Congested District of Atlanta, Georgia.

Traffic congestion, accentuated by motor transportation, has become a problem in all cities. Street-planning commissions have been created to study the problems and make recommendations for improvement. The following accomplishments may be suggestive:

Chicago gets rid of freight trucks in the congested district by means of a 63-mile freight subway. London has planned a very extensive system of freight subways to relieve congestion.

The old Erie Canal has been abandoned and the city of


These tubes are fifteen feet apart under the river. One is for New-Jersey-bound traffic and the other for New-York-bound. They cost about $46,000,000.
ENTRANCE
EXIT
FOUL AIR
SIDEWALK
HEAVY TRAFFIC
LIGHT TRAFFIC
FRESH AIR
ENTRANCE PLAZA
EMERGENCY EQUIPMENT BUILDING
EXIT RAMP
The roadway in these tunnels is twenty feet wide, and there is a three-foot sidewalk. Fresh air is supplied from beneath while overhead the gases are sucked up through slots. See cross-section in upper right-hand corner.

Popular Science Monthly.

STEEL HIGHWAYS UNDER THE HUDSON.

Rochester is turning the bed into a subway for passengers and freight, and is building an avenue over it.

San Francisco has relieved congestion in front of the Municipal Ferry where the electric cars from all parts of the city converge and circle, by digging a tunnel under the circle for through traffic.

Los Angeles has authorized 81 pedestrian tunnels under dangerous streets adjacent to school houses. This city has also excluded horse-drawn vehicles from congested districts during rush hours. And the same city has designated certain streets as Boulevard Stop Streets, and vehicles are required to come to a full stop before crossing them.

For the congested district of Atlanta, Georgia, a subway moving platform for pedestrians has been recommended.

Private capital has built a number of storage garages at strategic points in the congested district of Detroit. A ramp-type driveway in the center of each building enables any car to reach any of the six or eight floors by an easy ascent, on its own power. A storage garage built on a hillside can have approaches to several stories at street levels.

Cleveland maintains parking stations which are said to be self-supporting.

St. Paul widened a badly congested street by cutting the necessary number of feet from the front of all buildings.

It has been recommended that Pittsburgh push sidewalks back under the buildings, leaving the upper floors of the buildings intact. This arcade sidewalk is common in Europe.

Chicago is building a boulevard in Lake Michigan, paralleling the shore line. This makes possible a stretch of many miles for uninterrupted traffic. This improvement also provides protected bathing beaches along the shore.

Some cities have improved street intersections by rounding corners; others have removed obstructions to view at intersections; others have built loops around central business districts, and still others have eliminated railroad crossings by either

tunneling or elevating the tracks or by tunneling or elevating the street.

Traffic Accidents. — It is estimated that annually there are street or highway accidents resulting in more than 20,000 deaths, nearly 700,000 serious personal injuries, and $600,000,000 economic loss. Many cities are endeavoring to reduce these losses by enforcement of strict traffic regulations. But Barron Collier, deputy commissioner in charge of the bureau of public safety of the New York Police, reduced fatalities to one half through an educational campaign. He said that accidents are caused by carelessness; therefore the work of his bureau was to make people think.

The first form of carelessness as revealed by his records is carelessness in crossing streets — "jaywalking." This one cause alone accounted for practically fifty per cent of street accidents. Through newspapers, street car posters, posters in garages, billboards, pamphlets, lectures in schools and theaters, and millions of small cards handed out by boy scouts, Mr. Collier persuaded people to cross streets at the right places and in the right manner.

To assist him in reaching the public consciousness he created a new character, "Aunty J. Walker," a smiling old lady in uniform, armed with a club and a benevolent smile which would attract attention anywhere. Aunty J. Walker would advise you to "Cross streets at crossings, not in the middle of the block. Go straight across, not diagonally. Look both ways." Mr. Collier also organized an enormous parade with nearly a hundred floats, each telling a safety story.

Zoning. — It has long been a practice of some real estate dealers in establishing suburban plots to sell the lots subject to certain restrictions which are incorporated in the deeds of conveyance. But it is only during the last decade that it has become the practice of cities to plot an entire city into districts, or zones, in which they regulate and restrict the height and size of buildings, the percentage of lot that may be occupied, the

size of yards and courts, the location and use of buildings, and the use of land for trade, industry, residence, or other purposes. The real purpose of zoning is well stated in the following ten points set forth by the Boston City Planning Board:

1. Zoning divides the city into districts, according to the most suitable and valuable uses for each district, based on existing conditions and future needs, and regulates the location and use of new buildings.

2. Zoning makes provision for ample *general business districts* in suitable locations in which industrial plants may not impair the business environment.

3. Zoning places suitable land in *industrial districts* where the best of transportation facilities by rail, water, and highway may be secured and factories may easily expand without tearing down expensive buildings.

4. Zoning provides *unrestricted districts*, suitable places for those heavy industries such as stock yards, boiler works, coke manufacture, and other industries that would be objectionable elsewhere.

5. Zoning regulates the *heights of buildings* appropriate to their use, so as to provide an equitable distribution of light and air for all, minimizes overcrowding of people, and relieves traffic congestion.

6. Zoning provides *local business districts*, conveniently located near residential neighborhoods, where stores will be concentrated instead of being scattered everywhere.

7. Zoning protects the comfort, convenience, and quietness of *residential districts* by excluding stores, public garages, laundries, factories, and other business and industrial uses.

8. Zoning establishes *uniform building lines* in residential districts to assure an equal amount of light and air and access for all residences.

9. Zoning provides adequate light and air by *side and rear yards* around every building in the suburban residential districts and establishes the *percentage of area of a lot* that may be occupied by buildings.

10. Zoning preserves the home character of single and two-family *residence districts* by segregating types of residences into districts where they are appropriate.

One would be surprised to find a cook stove in a parlor or a piano in a kitchen. Yet it is just as absurd for many American cities to allow stores to crowd in at random among private dwellings, and factories and public garages to come elbowing in among neat retail stores or well-kept apartment

houses. Cities do no better when they allow office buildings so tall and bulky and so closely crowded that the lower floors not only become too dark and unsatisfactory for human use, but for that very reason fail to earn a fair cash return to the individual investors. "Live and Let Live" is a better motto for the modern city than the savage one of "Dog Eat Dog."

Zoning is largely a legal proposition. Unless the restriction in the use of property can be justified in the courts as a proper exercise of the police powers, it will be declared void as depriving one of liberty or property without due process of law. (Amendments V and XIV.)

Any act passed by one of our State legislatures which is considered unreasonable by a majority of the United States Supreme Court will probably be declared unconstitutional. But it is well recognized that the States, or the cities with the consent of the States, have power to protect the health, morals, safety, and general welfare of the community. These powers are called the "police powers" of the States.

Therefore when a city wishes to establish zones it should request the State legislature, which is the repository of the police powers, to grant it the right to zone the municipality.[1] The State enabling act should give the power to a discretionary administrative board, usually called a board of adjustment, to vary the strict letter of the law and issue permits in cases of practical difficulty or unreasonable hardship.

After a city or town has received the power to create zones it must in the zoning ordinance treat land and buildings reasonably and be sure that the regulations are related to the health, safety, morals, or general welfare of the community.

If these precautions are taken and an enabling act is obtained from the legislature as good as the model prepared by the United States Bureau of Standards, and the city council passes a care-

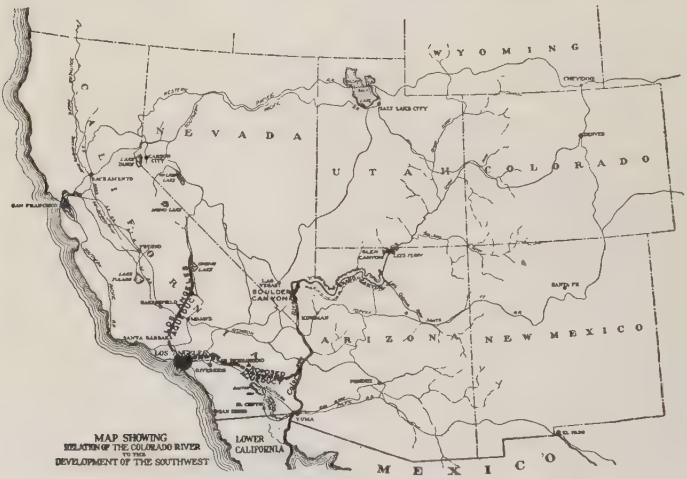
[1] Home Rule cities would not seem to need this special permission, but even these cities will have their positions strengthened if the State legislatures give their approval by an enabling act applying to its cities.

fully prepared reasonable ordinance, it is constitutional. For example, in a leading case, Boston was permitted to restrict the height of its buildings. Los Angeles was allowed to prohibit brick yards from a residential district. In many of the States the courts have upheld zoning ordinances restricting certain districts for one- or two-family residences. The courts have held that one- and two-family houses promote good morals by encouraging wholesome family life, and that such houses are less subject to noise, contagion, and fire risks than are multi-family houses.

Excess Condemnation. — In Europe and Latin America much attention has been given to city planning. Paris is beautiful because whole districts, with their narrow streets and congested tenements, were razed to the ground and built anew with broad avenues and boulevards converging in plazas. This was possible because the city could condemn whole sections and resell all the land in excess of that needed for the streets and plazas, under restrictions which would insure the beautiful.

In America, if land is needed for a public use, the city may have it condemned through the right of eminent domain. To take land for streets, parks, public-building sites, bridge heads, and the like, is clearly to take it for public purposes. But it may be desirable, in connection with a public improvement, for a city to acquire more land than is actually needed for the immediate purpose. For example, if land for a new city hall is acquired in a congested district, it may be desirable that the city should take some unsightly property near by in order to have the new structure set in favorable surroundings. It may also be desirable to resell the excess land under such restrictions as will insure the attractiveness of the district. This is the regular procedure in Europe, but in many American cities the constitutions, laws, and courts stand in the way. However, some States have amended their constitutions, and their courts now permit "excess condemnation." Hence, city planning with an eye to the beautiful as well as the serviceable is becoming possible.

Billboards. — Nothing mars the beauty of city streets more than billboards. City laws prohibiting billboards on private property have usually been declared unconstitutional because the courts have considered the restriction an unreasonable interference with one's use of his private property. (See U. S. Constitution, Amendment XIV.) The courts do not *yet* consider the unsightliness of billboards a sufficient annoyance to

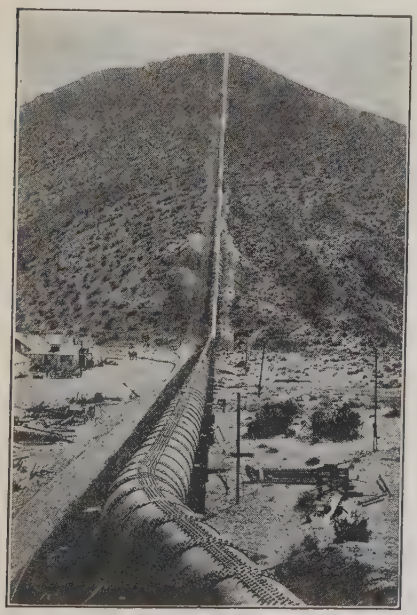


PRESENT AND PROPOSED WATER SYSTEMS OF THE CITY OF LOS ANGELES.

compel one to remove them from his private property. However, billboards which might conceal thugs, produce disease, set fire to adjoining property, or blow down and destroy life may be prohibited.

For instance, New York requires fireproof billboards with secure wind braces and prohibits electric signs which unduly interfere with sleep. Chicago requires billboards to have an open space below them and at the sides. St. Louis limits the area of billboards to 500 square feet, and some cities tax them as real estate.

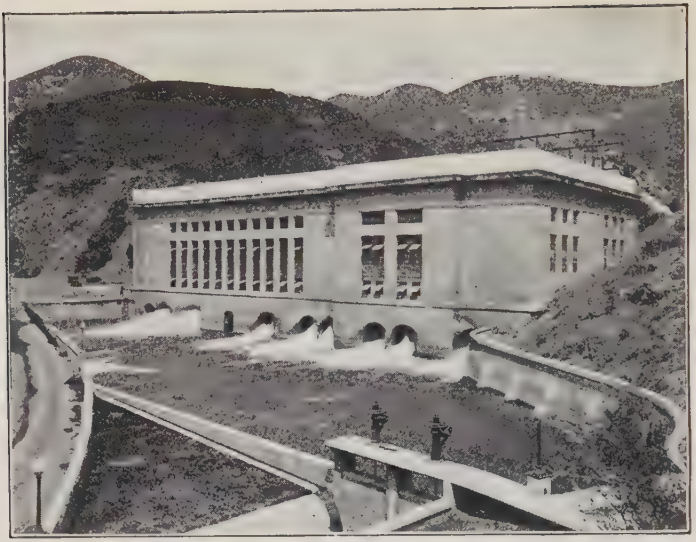
Water Systems. — Most of the larger cities own their water systems, and the most interesting is that of Los Angeles. This city brings its water a distance of 250 miles by gravity through concrete and steel conduits and pipes. In constructing this system it was necessary to dig 54 miles through the mountains and to cross 150 miles of desert. The gravity of the water supplies 120,000 horse power of electrical energy through five power plants, and in addition to supplying water for the city, reclaims nearly 150 square miles of arid land in and near the city.



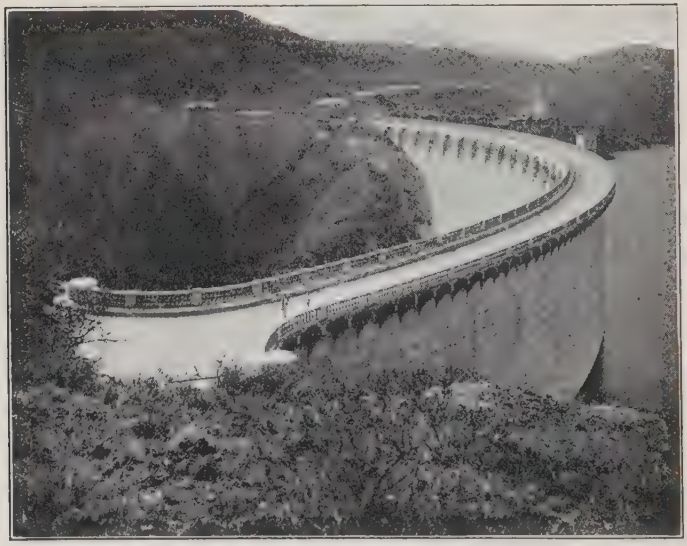
The Water Supply of Los Angeles Crossing Mountain and Desert.

When this system was constructed (1907–1913) at a cost of about $25,000,000, the project required considerable faith on the part of the 200,000 people of the city. But the water made a garden of the arid San Fernando Valley, now inside of the city limits, and last year it yielded products of a value equal to the cost of the entire water system. This ample supply of water controlled by Los Angeles forced most of the surrounding suburbs to become a part of the city. Hence the water has made possible the growth of the city from 200,000 to 1,000,000 population.

In Los Angeles there is now an auto for every three people. This unexpected expansion in transportation has enabled the population to spread over a wide area. This necessitates an



Los Angeles Power Plant No. 1.



Mulholland Dam which creates Hollywood Lake.

enormous quantity of water to maintain green lawns and grow shrubbery and shade trees in such a dry climate. It is estimated that it requires about 125 gallons of water per day for a tree — as much as the average per capita consumption.

To keep the water supply ahead of the population, the city has built a series of dams at the mouths of the great canyon basins along the way. In these, water is stored during the wet season and allowed to pass through the power plants uniformly. If a break occurs along the pipe line, no waste results. The water is stored in the reservoir just above, and the lower reservoirs keep the power plants running and supply the city. One reservoir, completed in 1925, is about 300 feet in height, and another beautiful one completed the same year overhangs the very edge of Hollywood. Therefore, there is a canyon full of water right at the edge of the city which will take care of any emergency.

Los Angeles is still looking ahead. It has made a survey nearly 300 miles inland to the Colorado River. Here it hopes to tap another great supply of water and have it flowing into the city by the time its population has overtaken its present supply.

Sewage Disposal. — Many cities still empty their sewage into nearby streams, but they are rapidly purifying it before it is disposed of. Baltimore and New Orleans were among the first cities to have very modern disposal systems. The Baltimore system consists of a series of settlement tanks. The water is siphoned from one tank to another, then flows through a revolving screen, is sprayed into the air by a series of thousands of small fountains, and falls upon beds of stone and sand through which it is filtered. It flows into the Bay as pure as the water in the city reservoirs. As the water falls from the filtration beds into the Bay it is used to generate electricity by which the disposal plant is operated. Pasadena, being in a dry climate, uses its filtered and treated sewage to water a city farm containing an orange grove, an English walnut orchard, and fields of alfalfa, grain, and hay.

Wharves. — New Orleans, gateway to the Panama Canal, owns practically all of its water front, and the State of California has long been developing the water front of San Francisco. Greater New York now owns 349 of its 577 miles of water front. Since the World War, New York City has increased its city-owned wharfage available for transatlantic steamers by 26,000 lineal feet — about 5 miles. This extension was made on Staten Island, and it is planned to connect this island with Brooklyn by a freight and passenger tunnel under the Narrows. During the year 1917 the Port of New York, for lack of facilities, made a gain of only 5% in its export trade, while Philadelphia increased over 50%, Baltimore 30%, and Boston 27%. Therefore, the City of New York, to insure its commercial primacy, made this expansion in wharfage.

Los Angeles, whose centre is 21 miles from the coast, has a water frontage of 40 miles, of which 11 miles are improved. This city also owns a 48-mile belt line railway, which prevents any railroad company from monopolizing the wharves.

The Lake cities own very little of their wharfage; and though the United States has spent more than $20,000,000 improving and maintaining a 30-foot channel for the harbor of Galveston, the wharves are owned almost entirely by private persons.

The states of Australia own the land 66 feet back from their waterways; hence private persons cannot monopolize the water front as in the United States.

Recreational and Cultural Progress. — Many cities are making splendid progress along recreational and cultural lines. The report of the Berkeley, California, Chamber of Commerce, January, 1925, makes the following appeal to its members: "Berkeley today is growing fast enough. Let us bend our energies to supply schools and playgrounds, parks and boulevards, enlarge our library, start a civic centre, maintain our symphony orchestra, start an art gallery and a museum of natural history, and, indeed, provide those things which will make us stand out in the eyes of the world as a really enlightened

and superior community. The right kind of people will want to live in such a place and will come here automatically, just as fast as we can make provision for them."

The city of Ashland, Wisconsin, with less than 12,000 population, prides itself on employing a City Superintendent of Music. He has under him an adult band, a drum corps, a symphony orchestra, a girls' Hawaiian Club, a choral club, and a boys' band of 266 pieces.

Boys' Band, Ashland, Wisconsin.

As a means of providing a healthy and safe recreation and entertainment for children, Pittsburg operates three merry-go-rounds in its municipal parks. These are operated daily from May until October, free of charge.

The New York City Radio Broadcasting Station has become an important means of informing citizens of the work of the municipal government. Summaries of the proceedings of the official boards are broadcast the evening of the meeting. Public officials tell the people through this station of the doings of their departments, and they are thus enabled to keep informed as to the city's

activities. In addition, entertaining and instructive programs are rendered through this municipal station.

Policewomen. — Since 1911, when Los Angeles employed the first policewomen, many cities have employed them, Chicago alone having about thirty policewomen. These officers protect girls from insults by young men who frequent street corners; act as public chaperons at places of amusement which are frequented by women and girls; obtain evidence from women;

Forsyth Dental Infirmary, Boston.
Here hundreds of children are treated free daily.

and attend court when women are testifying. In Los Angeles they enforce the 9 o'clock curfew law for girls under seventeen years of age.

Health Protection. — Most cities have a health board to look after the general health conditions of the city. School children are inspected in nearly all American cities, and in many, free treatment is given to the eyes and teeth. Free medical dispensaries are commonly maintained to supply the needs of the poor. The shower baths set up during the summer months in the congested sections of New York City have been appreciated by thousands who do not have the comfort of bath facilities in their tenements.

In 1906 a group of 24 of our largest American cities had a typhoid fever death rate of 35 to a 100,000. Now the rate for these same cities is 3 per 100,000 — less than in the rural communities around them. This reduced death rate is due to protection of water supplies, pasteurization of milk, supervision of food markets and restaurants, supervision of nurturing and shipment of shell-fish, and the increased use of anti-typhoid inoculation.

Many cities send health agents into the country for miles around to inspect all dairies and herds from which the city's milk supply is obtained, especially if the State is negligent in the performance of this duty. The milk itself is further inspected from time to time after it reaches the city and is usually pasteurized.

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Questions on the Text

1. What is a village?
2. In what section of the country are small incorporated centers of population called *towns? Villages? Boroughs?*
3. What is meant by the term *town* in the New England States?
4. How are towns or villages created in the State in which you live? How many inhabitants are necessary?
5. What are the usual powers of towns or villages?
6. By what name is the legislative body of a town or village commonly known? What character of ordinances may it enact?
7. By what title is the principal executive officer of a town usually called?

8. What other officers do towns or villages commonly have?

9. How does a city differ from a town or village?

10. How many inhabitants are necessary for city government?

11. What per cent of the American people lived in cities in 1790? In 1920?

12. What has been the cause of such rapid growth of cities? Is this rapid growth of cities peculiar to the United States?

13. What three types of city government are there in the United States?

14. Is the tendency toward a council of two branches or of one branch?

15. Explain the present organization of the council-mayor government for cities.

16. How is the mayor selected and what are his duties?

17. How is the council selected and what are its duties?

18. Explain why the council-mayor type of city government does not work well and why it is favored by political bosses.

19. Describe the commission type of city government. Explain how it originated in Galveston.

20. Is "commission government" the correct name for this type of government?

21. What do you mean by a *city charter?* (See Sec. 221.) What are the provisions of the Galveston charter?

22. What are some of the benefits derived from this new form of government in Galveston? Tell how it came to be adopted by Des Moines.

23. What five features did Des Moines add to the Galveston plan?

24. Name four advantages of the commission type of government.

25. Describe the manager type of government. Explain how the idea originated in Staunton, Virginia.

26. Explain the working of this type of government in Sumter, South Carolina.

27. Why and when was the manager type adopted in Dayton, Ohio?

28. Explain the Dayton type of manager government. What important changes did Cleveland make?

29. What are the advantages of the manager type of government?

30. What is meant by "home rule" for cities? Why is it important? Which State has the most liberal "home rule" provisions?

31. What material do you consider best for paving a street?

32. What is a public utility? Why should they be regulated? By whom are they regulated?

33. What are the advantages of the trackless trolley?

34. What are some of the remedies for traffic congestion?

35. How did New York decrease traffic accidents?

36. What is meant by zoning? What ten purposes has it?

37. What is meant by the "police powers" of a city? What relationship have police powers to zoning?

38. What is meant by "excess condemnation," and to what extent is it legal in the United States?

39. Describe the Los Angeles water system.

40. Could your city prohibit billboards?

41. Describe the Baltimore filtration plant. The Pasadena system of sewage disposal.

42. Should wharves be owned by the city or by private persons?

43. What induces people to come to a city?

44. Is typhoid fever more prevalent in the city or in the country? Why has the death rate in typhoid fever been reduced?

Questions for Discussion

1. What offices has your town or village and by whom are they filled?

2. Bound your town or village. Name all the incorporated towns or villages within your county.

3. What county taxes are paid by the residents of your town or village?

4. What is the population of your town or village?

5. Why does your town or village need a government distinct from that of your county?

6. Has your town or city a civic improvement league of any sort? If so, what valuable services does it perform? How can you assist it? Does it improve the school grounds? Does it place waste paper receptacles along the sidewalk? Does it place bulletin boards at certain places along the main streets for posters so that they will not be stuck over buildings, fences, and telephone posts? Does it take part in the social service or moral uplift work? What do *you* propose to do?

7. Would it be wise for your town or village to have a public meeting annually and hear reports from your officers and discuss needed improvements? Also, may not your representative to the State legislature give an account of the most important things done by the legislature for the village, county, or State?

8. What determines the location of cities?

9. Does your State constitution contain any provisions in regard to cities? What are they? Could your town become a city? How?

10. How many cities has your State? What is the population of the largest? Of the one in which you live?

11. Name the principal officers of your city. How are they selected? For what term?

12. The cities of Ohio are allowed to draft their own charters. Do you think every city should be allowed to prepare its own charter?

13. States may enact any laws which do not conflict with Federal laws. Why not allow all cities to enact any laws which do not conflict with State laws?

14. Does your city own its water system? Gas system? Electric light system? Street railways? Jitney bus lines? If not, should it?

15. Zurich, Switzerland, built houses on the four sides of large city blocks with playgrounds in the centres of the blocks. These houses are rented only to families with children. Do you think the courts should permit American cities to do this?

16. Buenos Ayres has built 10,000 homes for workingmen. Do you think your city should follow this example if the State law permits?

17. Many cities have ordinances against permitting weeds to grow in vacant lots. Has yours?

18. At the suggestion of the civil service board of Oakland, California, cash prizes are offered to city employees who make valuable suggestions for the betterment of the service in the various departments. Do you favor this scheme for your city?

19. In 1922 Portland, Oregon, added to its police force 250 boys, selected from the schools, to promote "safety first" propaganda and assist school children particularly in avoiding traffic accidents. An interesting ceremony was held in the city council chamber, where the mayor gave to each of the boys a bright star and a commission as "safety officer." Is there need of such an organization in your city?

20. For some years the City of Alameda, California, has had the assistance of local boy scout organizations in an attempt to eradicate the Argentine ant. The city spends $250 a year for the purchase of ant poison and containers, and the boy scouts distribute this poison throughout the city. Each boy is given charge of a certain area under a district captain, and he is responsible for the maintenance of poison in that area until the ants are exterminated. In one year ten thousand containers filled with ant poison were placed on street trees and in the yards and gardens of homes. The boys are graded according to their degree of responsibility — the highest grade being called Expert Ant Shooters. These experts have charge of ten city blocks and eight other boys for three months. At the end of a successful season they are decorated by the Mayor of the city with a civic service medal. What pests has your

town — ants, flies, mosquitoes, rats? Have you an effective scout organization?

21. Harrisonburg, Virginia, a city of 5000, owns a gravity water system which earns $10,000 a year net profit for the city, and an electric power plant on a nearby river which also produces a similar profit for the city. Is there a water power site available near your city or a supply of water which would flow by gravity to the city?

22. The University of Illinois has a Professor of Civic Designing. Is there any plan for the future development of your city? Draw a map of your city as it should be, showing where a town hall, library, high school, fire engine house, post office, court-house if a county seat, ball grounds, and tennis courts should be located.

23. Automobiles have created a new park problem. The city parks are no longer sufficient for city people. Thirty-five States have parks outside of cities, or forests under some name, to which city dwellers have access. New York State has 62 such parks. One of them, the Adirondack, contains 1,700,000 acres, and the Palisades Interstate Park of 35,000 acres is visited by more than 10,000,000 people annually. Should these parks be supported by the nearest cities, by the State, or by the National government?

24. "A 22-story garage in which motor cars will store themselves in record time, and as briskly roll forth at the touch of a button, is being built for the automobile-choked Chicago loop district.

"From forty seconds to two minutes will be delivery time in this garage, which occupies the entire central space of the Jewelers' Building now under construction. The owner drives his car upon a loading platform before one of the elevators. An attendant takes a key from a master board, numbered to correspond with a vacant stall. The withdrawal of the key makes electrical connections which set in motion a sliding platform above, and the vacant stall comes to rest in front of the elevator shaft.

"Meantime the elevator operator punches a button which thrusts up mechanism under the loading platform, and the car slides into the elevator.

"The operator dials a number and the elevator rises to the floor assigned, where the door opens automatically. The operator presses a button, and the platform in the elevator tilts, letting the car slide into its stall. There bumpers engage the tires and hold it in place until the owner returns for his car. A somewhat similar process returns the car." — Associated Press. What is your city or nearest city doing to relieve traffic congestion? What do you think it should do?

CHAPTER XXV

SUFFRAGE

223. Suffrage and Citizenship Distinguished. — The word *suffrage* comes from the Latin word *suffragium*, and means *a vote*. Suffrage, then, is simply the privilege of voting at elections. *Citizenship* means *membership* in a State. "All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside." [1] Infants born in the United States are citizens and are entitled to the privileges of citizens at home and abroad, but they cannot vote.

224. Suffrage Determined by Each State. — So long as a State maintains a republican form of government [2] it may determine what persons are to enjoy the political privilege of voting at both its own and national elections, with two exceptions: (1) that the same persons must be allowed to vote for United States senators and representatives that vote for members of the more numerous branch of the State legislature, and (2) that no person may be deprived of suffrage because of race, color, previous condition of servitude, or sex. [3]

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[1] United States Constitution, Amendment XIV.

[2] A republican form of government is a representative government, or one in which the people elect their law-makers and other public officers directly or indirectly.

[3] The fourteenth amendment to the Constitution of the United States (Sec. 2) provides that any State which denies male citizens twenty-one years of age the privilege of voting, except for crime, shall have its representation in Congress reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State. This provision has never been enforced, but after each decennial census when a reapportionment of representatives is being made, some congressman calls attention to the provision.

The States commonly permit the same voters to participate in all elections. To-day there are three restrictions on suffrage, or the right to vote, which apply to normal persons in every State and two additional ones in some states.

(1) *Age.* — In no State may a person vote who is less than twenty-one years of age.

(2) *Citizenship.* — In no State may a person vote who is not a citizen of the United States. (For exception see § 226.)

(3) *Residence.* — In no State may a person vote who has not resided in the State a period prescribed by law.

(4) *Education.* — In nearly one half of the States a person may not vote who cannot read or write.

(5) *Taxation.* — In a few of the States a person may not vote who has not paid his poll tax.

Such abnormal persons as idiots or insane, paupers supported at public expense, and those who have committed certain crimes are, in nearly all states, denied the right to vote.

225. Suffrage Restrictions as to Age. — In no one of the forty-eight States may a person vote who is less than twenty-one years of age. Twenty-one years of age has no special significance. We have simply followed the English law which prescribed this age. In ancient Sparta the age was thirty, while in Athens it was only sixteen. It Switzerland to-day it is twenty, but English women wait until they are thirty.

The age prescribed in the American States is no doubt as satisfactory as that prescribed by any of the other countries, but it is merely a rough and ready test. Some boys are more mature mentally at eighteen than others ever become. Maybe civil service examinations will be given to all applicants for the privilege of suffrage at some future time.

226. Suffrage Restrictions as to Citizenship. — Suffrage is now restricted to citizens of the United States in all the States except Arkansas. In this State aliens may vote in local, state, and national elections provided they have declared their inten-

tion of becoming citizens of the United States by taking out their first naturalization papers.

227. Suffrage Restriction as to Residence. — When a citizen of the United States moves from one State to another he is required to reside in the latter State for a period prescribed by the law of that State, varying from three months in Maine to two years in most of the Southern States,[1] before he can vote there, though he is usually permitted to vote in the State from which he has moved, either by law or practice, until he has qualified in the State to which he has moved. If a citizen moves from one part of his State to another he is, in most States, required to reside there for a brief period before he can vote.

228. Suffrage Restrictions as to Sex Removed. — Until the nineteenth amendment to the Constitution of the United States was ratified, States were allowed to grant suffrage to women or to withhold it.

The Continental Congress left the suffrage to be dealt with by the States in their constitutions, and New Jersey was the only one which conferred it on the women, its constitution giving the franchise to "*all* inhabitants worth $250." In 1790 a revision of the election law used the words "he or she," thus emphasizing the inclusion of women in the electorate. Enough women voted to gain the enmity of politicians, and in 1807 the legislature passed an arbitrary act limiting the suffrage to "white male citizens."

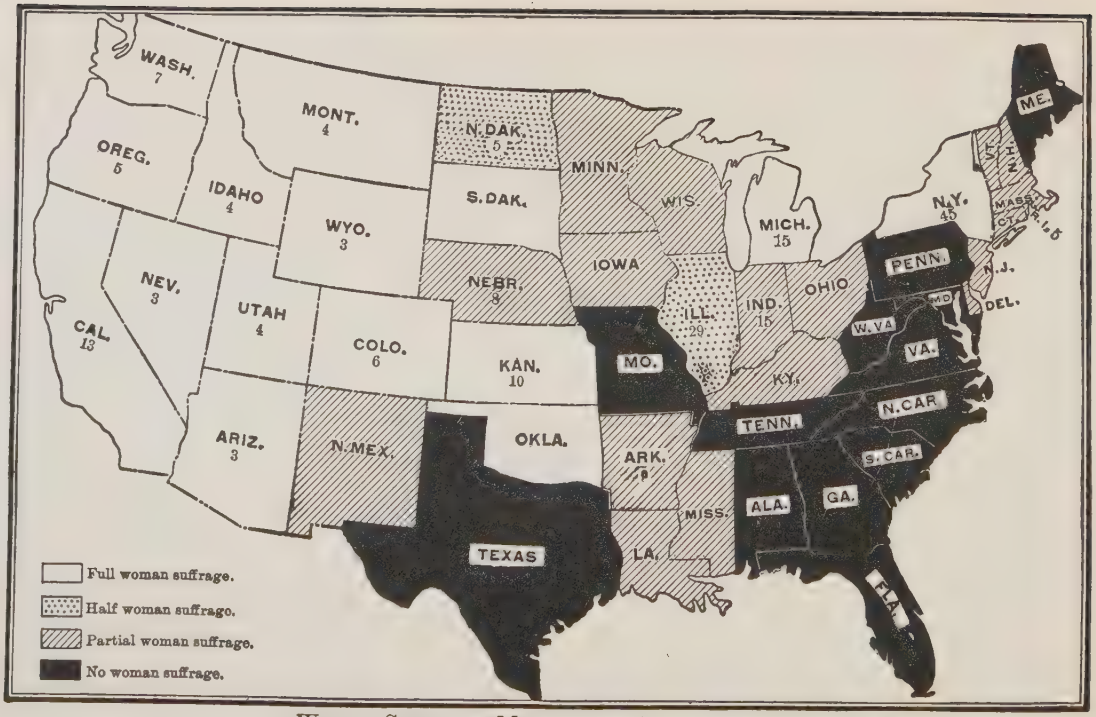
There seems to have been no further recognition of the principle of woman suffrage by any State until 1838, when Kentucky gave widowed mothers in country districts a vote for

[1] In Idaho, Indiana, Iowa, Kansas, Michigan, Minnesota, Nebraska, Nevada, New Hampshire, and Oregon a residence of six months is required; in Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Kentucky, Maryland, Massachusetts, Missouri, Montana, New Jersey, New Mexico, New York, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, Utah, Vermont, Washington, West Virginia, Wisconsin, and Wyoming, one year; and in Alabama, Louisiana, Mississippi, North Carolina, Rhode Island, South Carolina, and Virginia, two years.

school trustees. In 1861 Kansas came into the Union with a constitution providing school suffrage for women.

"No further advance was made until 1869, when the first legislative council was in session after the organization of Wyoming as a territory. Mrs. Esther Morris, who with her husband had gone out from New York as a pioneer, appealed to the president of the Council, Col. William H. Bright, for a bill enfranchising women. She was sustained by his wife, and he succeeded in having the bill passed. The Council was Democratic, and it hoped to embarrass the Republican Governor, John A. Campbell, whom it expected to veto the bill. On the contrary he signed it; and when two years later the Council repealed it he vetoed the repeal. The Council were unable to pass it over his veto and no effort to abolish woman suffrage was ever again made in Wyoming."

"In 1889 a convention composed entirely of men met to form a Constitution for Statehood, and after twenty years' experience they adopted unanimously as its first clause, 'equal political rights for all male and female citizens.' The Constitution was ratified by more than a three-fourths majority of the people and sent to Congress. That body, always hostile to the enfranchisement of women, fought in the House for three days to have this clause eliminated, and the Territorial Delegate telegraphed to Wyoming that it looked as if this would have to be done. The Legislature, which was in session, wired back: 'We will remain out of the Union a hundred years rather than come in without woman suffrage.' The same struggle took place in the United States Senate, and pages of the *Congressional Record* were filled with awful Senatorial prophecies as to what would happen to the country if Wyoming should come into the Union with women voters. After days of oratory they were obliged to face the calamity, and President Harrison signed the bill admitting the new State in June, 1890. Thus Wyoming became the first commonwealth in history to grant to women the same rights in the government that men possessed."



WOMAN SUFFRAGE MAP OF THE UNITED STATES

Just before the nineteenth amendment produced nation-wide equal suffrage. The figures in each State indicate the number of electoral votes cast by each State.

The accompanying map shows the growth of the woman suffrage movement. When the nineteenth amendment extended suffrage to all the States, full suffrage was already enjoyed by the women of fifteen States, primary suffrage by two States in which nomination was practically equivalent to election, and the right to vote for presidential electors by twelve States.

While the women of the United States were acquiring partial or full suffrage, the women of twenty-five other countries[1] were granted national suffrage.

229. Arguments in Favor of Woman Suffrage. — The following arguments in favor of woman suffrage were representative of those advanced by suffragists:[2]

(1) *Women need the ballot because of new industrial conditions.* The discovery of steam power and electricity and the invention of machinery have shifted the production of most articles of food and clothing from the home to the factory; hence women are forced to work in factories, stores, and offices. Woman's new experiences prepare her to use the ballot, because she sees whether shops are unsanitary, whether occupations are dangerous, or whether foods are adulterated. Those who suffer from evils should have the power of the ballot as a means of remedy.

(2) *Suffrage promotes patriotism.* In Mexico, where few can vote, a bloody revolution is necessary to remove officials, but in

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[1] New Zealand 1893
Australia 1902
Finland 1906
Norway 1907
Iceland and Denmark 1915
Russia 1917
Great Britain, Austria, Canada, Czecho-Slovakia, Hungary, and Poland 1918
Sweden, Germany, Holland, Italy, Serbia, Luxemburg, Rhodesia, Palestine, Uruguay, Esthonia, Lithuania, and Latvia 1919

[2] A *suffragist* is one who favors equal suffrage and may be either a man or a woman; a *suffragette* was a woman who actively advocated equal suffrage for her sex.

the United States, where suffrage is extensive, we have a peaceful revolution at every election.

(3) *When women are given the ballot they take more interest in civic duties than in idle pastimes.* The best way to make people feel their responsibilities to the state is to assign them duties. We learn to do by doing.

(4) *More girls than boys are being educated* in the high schools and about the same number of girls as boys are in the colleges.

(5) *Persons who train citizens should understand the political duties of citizens.* Most of our children are taught by women — whether at home or in school.

(6) *Both by nature and of necessity women have better moral habits than men* and their votes therefore assist moral legislation.

(7) *The most dignified way for women to influence legislation is by the secret ballot.* Without equal suffrage a woman who works for legislative reforms must go to the legislative halls and impress her views upon the legislators by "lobbying."

230. Every Right Implies a Duty. — Some women did not desire the right of suffrage, but inasmuch as suffrage has become the right of both good and bad, it becomes the duty of a good woman to cancel the vote of a bad woman or of an intelligent woman to cancel the vote of an ignorant woman.

Every woman owes to her country her assistance in making its laws as perfect as possible. To aid in the fight for good laws, the ballot is given her. For an intelligent woman to refuse to use her ballot is as sinful as the Biblical character who buried his talent.

Woman has always had much influence, but now she has influence plus power. Will any self-respecting woman fail to use this power to keep the nation's record untarnished and to make its future more glorious?

Will any mother vote for legislators who permit her children to work unnecessarily long hours? Will she vote for health officers who are incapable of protecting the health of the home? Will she vote for police officers who put dollars above moral

considerations? or will she elect school officials who educate clever rogues? Will she help to elect a police judge who will not enforce the law against those who are corrupting the morals of the youth?

In short, will any true mother fail to appreciate the saying of Frances Willard, "We need the mother heart in legislation."

231. Educational Restrictions on Suffrage. — Some sort of educational test is now required in nearly one half of the States.[1] In some it is merely ability to read; in others, to read and write; and in still others, to read, write, and understand a passage from the Constitution. The first educational test was adopted by Connecticut in 1855 during the Know Nothing agitation against foreign immigrants. Massachusetts followed in 1857, Wyoming in 1889, and Maine in 1891. Since that date most of the Southern States have adopted educational tests, and some include understanding clauses.[2] The "grandfather clauses" which were inserted in the constitutions of most of the Southern States have been abolished.[3]

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[1] The following States have the educational test in some form: Connecticut (1855 and 1897), Massachusetts (1857), Wyoming (1889), Mississippi (1890), Maine (1891), California (1894), South Carolina (1895), Washington (1896), Delaware (1897), Louisiana (1898), Alabama (1901), Virginia (1902), North Carolina (1902), New Hampshire (1903), Georgia (1908), Oklahoma (1910), Arizona, Idaho, North Dakota, and Texas (1910–1922), New York (1922), and Oregon (1924).

[2] The Virginia educational test is as follows: Every person, unless physically unable, "makes application to register in his own handwriting, without aid, suggestions, or memorandum, in the presence of the registration officers, stating thereon his name, age, date and place of birth, residence, and occupation at the time and for two years next preceding, and whether he has previously voted, and, if so, the State, county, and precinct in which he voted last; and . . . answers on oath any and all questions affecting his qualifications as an elector, submitted to him by the officers of registration, which questions and his answers thereto, shall be reduced to writing, certified by the said officers, and preserved as a part of their official records." This registration is permanent so long as the person registered remains in the same precinct.

[3] These clauses provided that persons who voted before the Civil War and their male descendants may vote without taking the educational tests. These exceptions however were all abolished by 1915 when the last, that of

There is a growing demand all over the country for a more intelligent ballot; however, in most of the Northern States the tests do not extend beyond the ability to read and write. As an example, the New York State literacy test, which became effective in 1922, directs the Secretary of State to have printed from the constitution of the State one hundred extracts of fifty words each for the electoral boards to use for reading in this test. From these fifty words ten are selected to be written by the applicant. A certificate of literacy will be issued to all applicants who show that they have completed the fifth grade at school.

Ideal Educational Test. — Justice would seem to demand that every adult citizen of the United States — whether man or woman, white or colored — should have the right to vote, provided such citizen is sufficiently intelligent and has not forfeited the right by misconduct, such as crime. The most practical way of testing intelligence is by a civil service examination conducted under the direction of an impartial civil service board. Such an examination would not be unlike the State examinations given by the Board of Regency for New York State. This need be given only once, provided the applicant passes the first time, and as the voter registers anew he could simply present his certificate.

The questions of such an examination should concern government and should not be made difficult enough to exclude an unreasonable number. Nor should any questions be asked which are not taught in free public schools. Every intelligent and energetic person should be encouraged to vote, and not discouraged.

232. Tax Restrictions on Suffrage. — In a number of Southern States suffrage is restricted to those who have paid a small annual poll tax. This tax varies from one to two dollars.

For instance, in Virginia one cannot vote unless he has per-

Oklahoma, was declared to be in conflict with Amendment XV of the Constitution of the United States.

sonally paid his $1.50 poll tax six months previous to the regular election. Moreover, this tax must be paid for the past three years. That is, if one fails to pay this tax for three years he must pay $4.50 six months before the regular election. The voter is required to pay this tax six months before the election so that the candidates for office will not have been nominated. Thus the politicians are not so likely to give voters money with which to pay this tax. The payment of this tax is strictly enforced. If it is not paid at the end of three years real estate can be sold to pay it if the man owns any.

A poll tax is not very just because the poor man must pay as much as the millionnaire. In the South its purpose was to discourage from voting the negroes who had passed the educational test. In practice it keeps a great many whites from voting, some worthy and many worthless ones.

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See bibliography at end of Chapter XXVI.

Questions on the Text

1. What is meant by the word *suffrage?* By the word *citizenship?*
2. Is suffrage determined by the United States or by the States?
3. Under what conditions may a Mexican woman vote for presidential electors? (Amendment XIV, Sec. 1; Amendment XV, Sec. 226.)
4. What three restrictions does every State place upon suffrage? What three additional ones do some States impose?
5. What abnormal persons are excluded from suffrage in nearly all States?
6. Has the requirement that an American voter must be 21 years of age any special significance?
7. Do any States permit aliens to vote? Under what condition?
8. How many years must one reside in the State in which you live before he may vote?
9. How many States had full woman suffrage when the nineteenth amendment was adopted?
10. How many had presidential suffrage?

11. Distinguish between the words *suffragist* and *suffragette.*

12. Explain the sentence, Every right implies a duty; and tell why every mother should vote.

13. What kind of educational tests do a number of States have?

14. Explain the New York educational test for suffrage.

15. What would be an ideal educational test for suffrage?

16. What tax restrictions do some States have on suffrage?

17. Explain the Virginia law.

Questions for Discussion

1. Should voting be viewed as a right, privilege, or duty?

2. Under what conditions may a Chinese woman vote for United States senators and representatives in some States? (See U. S. Constitution, Amendment XIV, Sec. 1; Art. I, Sec. 2; Amendment XVII; Amendment XV.)

3. Under what conditions may a Chinese woman vote for the President? (Art. II, Sec. 1, Cl. 2.)

4. If the women in the United States should disfranchise the men, what effect would it have upon the States' representation in Congress? (Amendment XIV, Sec. 2.)

5. Can you advance any good argument against the following statement? "Every law-abiding adult citizen — man or woman, white or colored — should be permitted to vote if such person passes an examination which shows that he has a graded school education and average intelligence."

6. Is there any connection between the honor system in school examinations and the right to vote?

7. In a democracy is education a luxury, or is it a necessity?

8. Should our schools turn out citizens with a general education or a technical education? Should they be men of culture, of affairs, or cultured men of affairs? If a man is trained in a single trade, can he know much about complex society and help to manage a republic?

9. In the eighth assembly district of New York City only 42 out of 13,662 families own their own homes, and of these 42 homes all but 14 are mortgaged. Is this population likely to be conservative or radical in voting? Does this mean that all but the 14 families should be disfranchised? (See Sec. 4.)

10. It is the ideal of every good citizen to leave the world a little better than he found it. Intelligent voting is one way to attain this ideal. Are you preparing to be a good citizen? How?

CHAPTER XXVI

NOMINATIONS AND ELECTIONS

233. Registration. — In order to determine whether all persons who claim the right to vote are really entitled to vote, and to identify individuals in communities where residents are not personally known to one another, nearly all the States require each voter to " register " his name, address, age, length of residence, and other facts pertaining to his qualifications as a voter with a registration officer or board provided for each voting-place.

All States, except Arkansas, where the constitution provides that registration shall not be a prerequisite to voting, require registration in some form in order to prevent double voting and other election frauds. In rural districts where the voters are well acquainted with one another one registration is sufficient so long as the voter remains in the same voting district, but two thirds of the States require voters to register each year that an election is held.

For instance, in New York the voter must sign his name in the registration book and on election day he must again sign his name so that the election officers may compare the two signatures. Where there is annual registration the party " machines " see to it that their regular party men register, but independent voters and many travelling men often fail to register and hence lose their vote. However, for cities, this practice involves less evil than would result from permanent registration, which is necessarily very inaccurate.

234. Political Parties. — From the beginning of our governments men have held different opinions on matters of govern-

ment; so they have formed themselves into political groups, known as political parties, for the purpose of electing officers who will carry on the governments in accordance with their views.

The national party organization performs a useful purpose by organizing the people who hold similar views to support candidates who promise to carry out these views if elected. (See Sec. 143.) But the county and State committees of the national parties also work for the election of members of their parties to the county and State offices, and this practice is often harmful.

It commonly results in choosing State and local officers on the same day that the President and congressmen are elected, and in this way the party enthusiasm sweeps into office local candidates of the party which wins in the national election whether they are the best men or not.

By means of clubs, parades, bands of music, and speakers who play upon the prejudices and emotions of the people, politicians try to induce unthinking persons to work for a Democrat "right or wrong," or a Republican "right or wrong." It makes little difference whether a member of a county board of commissioners is a Democrat or a Republican, but it does matter whether the county commissioner believes in good roads and good schools and is a man of high ideals.

235. Nominating Methods. — Very soon after the establishment of the United States it became customary for political parties to nominate a candidate for their support at the election. In the United States there are at present five different methods of nominating candidates for elective offices.

1. Self-announcement.
2. Caucus or primary.
3. Delegate convention.
4. Direct primary election.
5. Petition.

Self-announcement, or self-nomination, is very rare, and indicates either little competition within the party or a dissatisfied

candidate whom the party has refused to indorse as its regular candidate. Some Southern and Western States provide for printing the names of self-announced candidates upon the ballots.

The "caucus" [1] is the New England name for a local mass-meeting of party voters, and "primary" [2] is the name applied to the same in the Middle or Western States. The caucus, or primary, selects candidates for town, ward, or precinct offices, and members of the town, ward, or precinct party committee. It also selects delegates to county and other nominating conventions.

The caucus has generally proved unsatisfactory because it is easily manipulated by machine politicians, especially in cities, and it is there that half the American population live. The unregulated caucus has often been called on short notice to meet in an inadequate hall at an inconvenient time, and then "packed" with foreigners or "repeaters" hired by the "ring." As this uninviting caucus frequently ended in a "free for all" it is not strange that good citizens have considered it not only useless but even dangerous to attend.

The delegate convention has been in common use since 1840 for selecting county, State, and National candidates. The delegate convention for a county or city is a meeting of delegates from the various election districts of the county or wards of the city. These are chosen by mass-meetings, called caucuses or primaries, held in each district or ward.

The delegate convention for the State is a meeting of delegates from the counties and cities, commonly chosen at the county or city conventions. The National Convention has been described at some length in Chapter XVII. As the dele-

[1] The term "caucus" used in this sense must not be confused with the legislative caucus, which is a secret meeting of legislators of a particular party to decide upon united action against the opposing party on the floor of the legislative hall.

[2] The term "primary" as here used must not be confused with the term "direct primary," or "direct primary elections," which is a recent substitution for the delegate convention.

gates have been selected directly or indirectly by caucuses, the evils of the caucus have also been the evils of the convention.[1] For this reason conventions rapidly gave way to direct primary elections.

The direct primary election is conducted with some of the safeguards accompanying a regular election, such as registration, secret voting, and penalties against bribery. Each party prints upon its ballot the members of its party who desire to be party candidates at the regular election, and the person receiving the greatest number of the party votes is nominated.

Nomination by petition means that candidates are placed in nomination by petitions signed by a certain number of voters and filed with some specified officer. This entitles the candidate to have his name printed upon the official ballot. This method practically eliminates national politics from local elections and is well suited to cities, where national political parties should play no part.

236. The Direct Primary. — In forty-odd States the direct primary method is used to nominate local, county, and State officers, and representatives to Congress; and in some States it is used for senators. The direct primary systems generally have the following points in common:

1. Different parties hold primaries at the same time and place.
2. Australian secret ballot is used.
3. Ballots are printed at public expense.
4. Names are presented by petitions and are printed in alphabetical order.
5. Regular election officials preside and are paid from public funds.

[1] By controlling the primary-caucuses the machine politicians had the following candidates selected as delegates for a Cook County convention which was held in Chicago in 1896: keepers of houses of ill fame, 2; ex-prize-fighters, 11; had been on trial for murder, 17; had served sentences in the penitentiary, 46; had been in jail, 84; no occupation, 71; political employees, 148; saloon keepers, 265. The total number of delegates was 723.

6. Polls are open during specified hours.
7. Plurality vote nominates.
8. Corrupt practices acts for elections apply to primaries.
9. Members of party committees are selected at the primary.
10. Party membership is determined (*a*) by an intention to support generally at the next election the nominees of such a party; or (*b*) by the party the voter supported at the last election; or (*c*) by answering any questions the party prescribes, as is done in the South in order to keep negroes from participating in Democratic primaries.

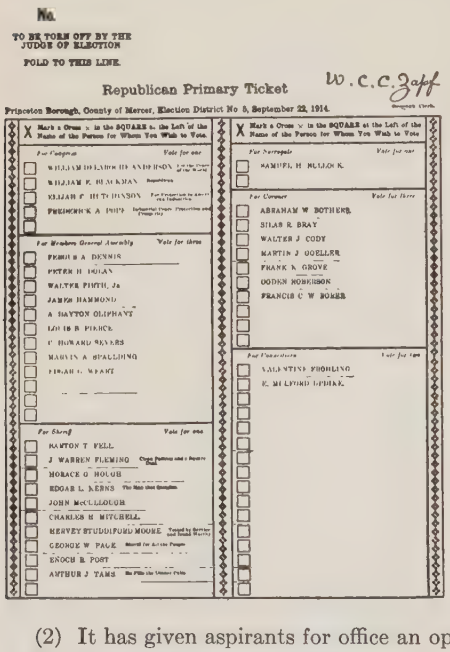
When party membership is determined by test *a*, *b*, or *c*, in number 10 above, the primary is called a "closed primary" because it is closed against any persons who will not announce their party preference. In most States primaries are closed, but they are objectionable because there the voters must make known their party preference, which thus defeats the principle of the secret ballot. It also works against independent voting.

Wisconsin has the "open primary," which is open to all voters without registering their party preference. The voter is given a separate primary ballot for each party. He votes one and deposits the others in a box for unmarked ballots. The open primary is less objectionable than the closed, but it has one objection — it allows the leaders of the majority party, especially in large cities, to direct a number of their dishonest followers to vote the ballot of the opposite party and on it to support candidates for nomination who will be friendly to the majority's interests, and thus rob the minority party of its real leader.

The following Republican primary ticket for New Jersey was used for a "closed primary." Each person who voted the Republican primary ticket the previous year (1913) was permitted to vote this ticket (1914). If he voted a Democratic ticket the year before (1913) he was obliged to vote the Democratic primary ticket in 1914. If a person who voted the Democratic

ticket in 1913 turned Republican in 1914 he could not vote in the 1914 primary, but had to wait until 1915 to vote the Republican primary ticket.

The direct primary system has not proved a panacea for all the ills of the convention system, but it offers an *opportunity* to defeat a conspicuously unfit candidate or to nominate one conspicuously well fitted. It is "an opportunity, not a cure"; it "puts it up to the voters." No primary or election machinery takes the place of intelligence and public spirit, but the direct primary places the responsibility for good government upon the voter.



No.

TO BE TORN OFF BY THE JUDGE OF ELECTION

FOLD TO THIS LINE

Republican Primary Ticket

W. C. C. Zaff

Princeton Borough, County of Mercer, Election District No 5, September 22, 1914.

X Mark a Cross ... in the SQUARE ... the Left of the Name of the Person for Whom You Wish to Vote.

For Congress — Vote for one
WILLIAM HOLLADAY ANDERSON
WILLIAM E. BLACKMAN
ELIJAH F. HUTCHINSON
FREDERICK A. PHIPP

For Members General Assembly — Vote for three
PERRY A. DENNIS
PETER H. DOLAN
WALTER FITH, Jr.
JAMES HAMMOND
A. SHAYTON OLIPHANT
LOUIS B. PIERCE
C. HOWARD SKYERS
MARVIN A. SPALDING
EDGAR C. WYANT

For Sheriff — Vote for one
HANTON T. FELL
J. WARREN FLEMING
HORACE G. HOUGH
EDGAR L. KERNS
JOHN McCULLOUGH
CHARLES H. MITCHELL
HERVEY STUDDIFORD MOORE
GEORGE W. PAGE
ENOCH B. POST
ARTHUR J. TAMS

X Mark a Cross ... in the SQUARE at the Left of the Name of the Person for Whom You Wish to Vote

For Surrogate — Vote for one
SAMUEL H. MILLICK

For Coroner — Vote for three
ABRAHAM W. BOTHERS
SILAS R. BRAY
WALTER J. CODY
MARTIN J. GOELLER
FRANK K. GROVE
OGDEN ROBERSON
FRANCIS C. W. ROMER

For Councilmen — Vote for two
VALENTINE FROELING
E. MILFORD UPHAM

(2) It has given aspirants for office an opportunity to appeal to the voters unrestricted by party action.

(3) It has allowed a vigorous candidate to conduct his campaign without having to pool his energy and money with weaker candidates on a party slate.

(4) It has prevented corrupt politicians from selling the party to selfish or corrupt interests.

(5) It necessitates a candidate coming into close contact with the people and of more faithfully carrying out their will.

(6) It stimulates interest in problems of government by more frequent participation.

Arguments for the Direct Primary. — (1) It has given every party member an equal chance to help nominate candidates and thereby encourages loyalty to the government.

(7) In a one-party State the voter has no effective participation except at the primary.

Arguments against the Direct Primary. — (1) It entails extra expense.

(2) It gives the city population an advantage over the rural population because the former live closer to the voting places.

(3) It ignores the necessity for consultation and conference in the selection of candidates.

(4) It affords no suitable opportunity for the formulation of party platforms.

(5) It increases the opportunities of self-advertisers and demagogues.

(6) Frequently desirable candidates will not enter primary contests because of the greater effort and expense.

(7) It develops bitterness which weakens the party in the ensuing campaign.

237. Elections. — *When Held.* — Most States hold their elections for the selection of State officers at the same time that presidential electors and United States senators and representatives are chosen — Tuesday after the first Monday in November of even-numbered years. However, Georgia, Kentucky, Maryland, and Mississippi hold State elections in November of odd-numbered years; and two States, New York and New Jersey, elect certain State officers annually.

A few States hold their elections earlier than November. City elections are commonly held earlier in the year. When State elections are held at a different time from the national elections the voters pay more attention to State issues, and are not so likely to vote a straight Democratic or Republican ticket as they are during the excitement of a national campaign.

How Held. — For each voting district or precinct into which the county or city is divided, the county clerk, city clerk, board of election commissioners, or some designated officer provides a polling place, equipped with booths, a ballot-box, poll books, tickets, and in some States a flag. On election day the polls are open during prescribed hours — commonly from 6 A.M. to 6 P.M., but sometimes longer.

Each polling place is in charge of judges of election, whose duty it is to pass upon the qualifications of the voters, and

clerks to assist them. They open and close the polls, count the ballots, and certify the results to the proper officials (*e.g.*, county board of elections or county clerk). A "watcher" from each political party is permitted to be present at the voting place to challenge any person whom he does not believe to be qualified to vote, and to see that the votes are fairly counted.

238. Australian Method of Voting. — The Australians devised a secret method of voting, which found its way to the United States through England. In 1888 the Kentucky legislature adopted it for municipal elections in Louisville, and the following year Massachusetts adopted it for all elections.

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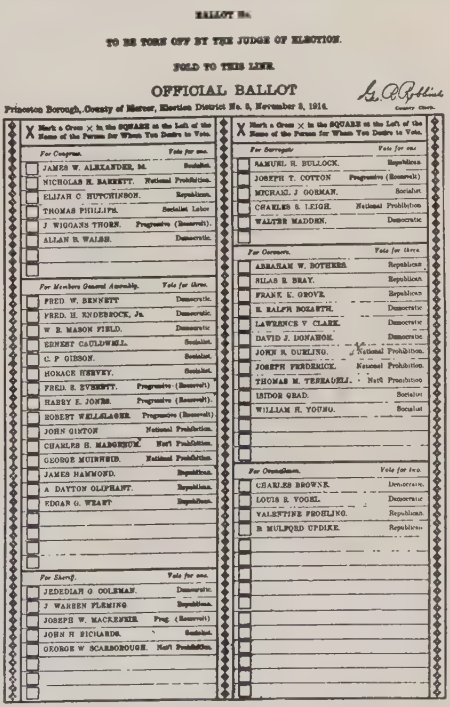
PRESIDENT AND MRS. COOLIDGE VOTING.

The Australian method of voting is as follows: The voter enters a room in which no one is allowed except election officers, "watchers," and perhaps a policeman. He gives his name, and if it is found on the registration book he is given a ballot, which he carries into a canvas booth about three feet square. After marking the ballot he folds it, comes from the booth, and gives it to a judge of election, who tears off the top of the ballot containing the number, and he or the voter deposits it in an election box made of wood, metal, or glass in the presence of the other. The ballots have been printed at public expense, and no ballot may be taken from the voting place. In some States a "sample ballot," printed on colored paper, is mailed to each voter before the election day, but this, of course, cannot be used for voting.

Between 1888 and 1910 all but two States, Georgia and South Carolina, adopted this method of voting, though the details vary from State to State.

Some States object to voting machines because they encourage the voting of a "straight ticket," but the use of them continues in other States.



BALLOT No.

TO BE TORN OFF BY THE JUDGE OF ELECTION.

FOLD TO THIS LINE.

OFFICIAL BALLOT

Princeton Borough, County of Mercer, Election District No. 5, November 3, 1914.

County Clerk.

X Mark a Cross X in the SQUARE at the Left of the Name of the Person for Whom You Desire to Vote.

For Congress. Vote for one.

JAMES W. ALEXANDER, M.	Socialist.
NICHOLAS H. BARRETT.	National Prohibition.
ELIJAH C. HUTCHINSON.	Republican.
THOMAS PHILLIPS.	Socialist Labor
J. WIGGANS THORN.	Progressive (Roosevelt).
ALLAN B. WALSH.	Democratic.

For Members General Assembly. Vote for three.

FRED. W. BENNETT.	Democratic.
FRED. H. ENDEBROCK, Jr.	Democratic.
W. B. MASON FIELD.	Democratic.
ERNEST CALDWELL.	Socialist.
C. P. GIBSON.	Socialist.
HORACE HERVEY.	Socialist.
FRED. S. EVERETT.	Progressive (Roosevelt)
HARRY E. JONES.	Progressive (Roosevelt).
ROBERT WELLAGER.	Progressive (Roosevelt)
JOHN GINTON	National Prohibition.
CHARLES S. MARGERUM.	Nat'l Prohibition.
GEORGE MUINNEID.	National Prohibition.
JAMES HAMMOND.	Republican.
A. DAYTON OLIPHANT.	Republican.
EDGAR G. WEART.	Republican.

For Sheriff. Vote for one.

JEDEDIAH O. COLEMAN.	Democratic.
J. WARREN FLEMING	Republican.
JOSEPH W. MACKEFREE.	Prog. (Roosevelt)
JOHN N. RICHARDS.	Socialist.
GEORGE W. SCARBOROUGH.	Nat'l Prohibition.

X Mark a Cross X in the SQUARE at the Left of the Name of the Person for Whom You Desire to Vote.

For Surrogate. Vote for one.

SAMUEL H. BULLOCK.	Republican.
JOSEPH T. COTTON	Progressive (Roosevelt)
MICHAEL J. GORMAN.	Socialist.
CHARLES S. LEIGH.	National Prohibition.
WALTER MADDEN.	Democratic.

For Coroners. Vote for three.

ABRAHAM W. BOTHERS.	Republican.
SILAS B. BRAY.	Republican.
FRANK E. GROVE.	Republican.
H. RALPH ROLSTH.	Democratic.
LAWRENCE V. CLARK.	Democratic.
DAVID J. DONAHOE.	Democratic.
JOHN R. DURLING.	National Prohibition.
JOSEPH FREDERICK.	National Prohibition.
THOMAS M. TERRADELL.	Nat'l Prohibition
ISIDOR GRAD.	Socialist.
WILLIAM H. YOUNG.	Socialist.

For Orphanage. Vote for two.

CHARLES BROWNE.	Democratic.
LOUIS F. VOGEL.	Democratic.
VALENTINE FROELING.	Republican.
B. MULFORD UPDIKE.	Republican.

239. Origin of Ballots in the States. — For many years our voting was *viva voce* (by living voice). The voter came to the polling place and announced publicly the names of the candidates for whom he voted. This method encouraged vote-buying and intimidation. When a vote was bought "the goods were delivered" in the buyer's presence. A voter was often influenced to vote against his better judgment because he would get the ill will of an acquaintance if he voted against him, or of the community if he supported the unpopular candidate, or of his employer if he voted contrary to the employer's interest. The States gradually abandoned *viva voce* voting, but it continued in the South until after the Civil War.

Unofficial written ballots were at first substituted for the *viva voce* method, each voter preparing his own ballot. Then the

candidates began to print their own ballots; and finally the political party had ballots printed — each party having ballots of a different color. Thus the new method was just as public as the old. A vote-buyer, friend, or employer, could know how you voted from the color of your ballot or could see you deposit the ballot which he had prepared for you.

240. Ballots Now in Use. — While all but two of the States have followed the general feature of the Australian plan and have made elections secret, only fourteen now use the true Australian ballot, but the number is increasing. The Australian ballot places the names of the candidates of all parties for a given office in alphabetical order, giving each candidate's party affiliation after his name as shown in the ballot above.

In twenty-seven States the Party Column ballot is still in use. On such a ballot all the names of the candidates of one party for the various offices are arranged in a vertical column under the party's name, usually with a circle at the top in which the voter by placing a cross mark therein may vote for all of the candidates of that party — "a straight ticket." This arrangement works in the interest of a strongly organized corrupt party because an ignorant voter can vote the ticket with almost as much ease as an intelligent one. It is gradually giving way to the Australian ballot, which requires a degree of intelligence and education to vote.

241. The Short Ballot Movement. — *The Usual American Ballot Is Too Long.* — The names of so many candidates appear on the ballot that it is impossible for the voter to know the qualifications of many of them. At the November election, 1914, the voters of Omaha, Nebraska, voted three tickets, one of which was eight feet in length and contained more than 200 names; and in 1924 the Chicago ballot contained 343 names.

A Long Ballot Leads to Blind Voting. — Several years ago immediately after an election, figures were collected from the most independent Assembly District in Brooklyn, New York, which showed that 87 per cent of the voters did not know the name of

the State treasurer just elected. When the names of candidates for scores of offices appear on a ballot practically all voters cast a straight ticket.

Blind Voting Leads to Government by Politicians. — Because of the scores of officers to be voted for, about nine tenths of the voters vote blindly, that is, vote a straight ticket. By so doing they practically ratify the "appointments" made by the other tenth — the politicians who nominate the men for office. Hence most of our officers are practically appointed by politicians.

"For Experts Only."

The National Municipal League, which has absorbed the National Short Ballot Organization, is promoting the short ballot movement through the columns of its monthly publication, *The National Municipal Review.* Its purpose is to educate the American people to the fact that most officers — especially unimportant ones — are actually chosen by politicians, whereas the people imagine that they are electing them. This organization advocates the election of important officers for long terms. It would allow these few to appoint the others. For instance, the State governor, State legislator, county commissioner, city councillor or commissioner, and mayor could be elected. The other State officers could then be chosen by the governor, county officers by the county board of commissioners, and city officers by a small council or commission, or by the mayor. This would centre the authority and responsibility in a few officers, who could be more easily watched by the voters.

The present method of electing officers is a puzzle, the intricacies of which are understood only by politicians. Those who favor the short ballot would make the election process so simple that even the voter might understand it and be able to know something about those for whom he is to vote. They claim this system would produce a democracy *in fact* instead of a democracy *in theory:* that we now have *a democracy in theory — a politicians' oligarchy in fact.*

242. Short Ballot. — No State has yet reduced the number of elective officers to the extent advocated by the National Short Ballot Organization, but the organization has shown the folly of the present long ballots, and the States are beginning to reduce the number of elective officers. However, most cities of the commission type and of the commission-manager type, and a number of the council-mayor type, have adopted the short ballot.

It would be impossible to show a typical long ballot here, as the page would not contain it. But we can show a short ballot of Cleveland, a city of 800,000 population.

In Cleveland an election for members of the council is held in November of odd-numbered years, and is therefore separated from the political excitement of the national election held on even years. From five to nine councilmen, of the total number of twenty-five, are elected from each of the four districts into which the city is divided on the basis of population. Names of candidates are placed upon the ballot by the petition of five hundred voters, but on election a voter may insert the name of any other person whom he favors.

The ballots are non-partisan, that is, without any party designation. Those for each district are printed in as many series as there are candidates for the council for such district. The whole number of ballots to be printed for the district is divided by the number of series and the quotient so obtained is the number of ballots printed in each series. In printing the first series of ballots the names of candidates are arranged in alphabetical

REGULAR CITY ELECTION

DISTRICT 3

November 6, 1923

DIRECTIONS TO VOTERS

Put the figure 1 opposite the name of your choice. If you want to express also second, third, and other choices, do so by putting the figure 2 opposite the name of your second choice, the figure 3 opposite the name of your third choice, and so on. In this way you may express as many choices as you please. The more choices you express, the surer you are to make your ballot count for one of the candidates you favor.

This ballot will not be counted for your second choice, unless it is found that it cannot help your first choice; it will not be counted for your third choice unless it is found that it cannot help either your first or your second, etc.

A ballot is spoiled if the figure 1 is put opposite more than one name. If you spoil this ballot, tear it across once, return it to the election officer in charge of the ballots, and get another one from him.

COUNCILMANIC TICKET

___	HENRY L. BRONSTRUP
___	JAMES A. BUTLER
___	DANIEL A. CARROLL
___	THOMAS F. FERRIS
___	HERMAN H. FINKLE
___	THOMAS W. FLEMING
___	V. J. HARRIS
___	JACOB HEINRICH
___	DENNIS J. LYONS
___	JAS. J. McGINTY
___	HOWARD E. MURRELL
___	WILLIAM V. O'REILLY
___	JOHN W. REYNOLDS
___	EDWARD C. SCHULZE
___	JOE T. THOMAS
___	THOS. E. WALSH
___	MARIE R. WING
___	J. V. ZUPNIK

order. After printing the first series the first name is placed last and the next series printed, and this process is repeated until each name is printed first in one series. The ballots are then combined in tablets, each tablet containing the same number of ballots from each series, and so far as practical the ballots are combined in such manner that two or more from the same series shall not be together in a tablet.

The ballots are first sorted and counted at the several voting precincts according to the first choices of the voters. At each voting precinct the ballots cast for each candidate as first choice are put up in a separate package and are labelled with the name of the candidate and number of ballots. All the packages of each precinct, together with a record of the precinct count, are forwarded to the central election authorities and the counting of the ballots cast in each district is thereafter carried on by a central counting board for each district. Here the first choice votes of each candidate are added and tabulated. This completes the first count.

The whole number of valid ballots cast in the district is then divided by a number greater by one than the number of seats to be filled in the district. The next whole number larger than the resulting quotient is the quota or constituency that suffices to elect a member.

All candidates the number of whose votes on the first count equals or exceeds the quota are then declared elected.

All votes obtained by any candidate in excess of the quota are termed his surplus.

Any surpluses there may be are next transferred, the largest surplus first, then the next largest, and so on, according to the following rules:

1. In the transfers of a surplus, transferable ballots up to the number of votes in the surplus shall be transferred to the continuing candidates marked on them as next choices in accordance with rule 6. The particular ballots to be taken for transfer as the surplus of a candidate shall be obtained by taking as

nearly an equal number of ballots as possible from the transferable ballots that have been cast for him in each of the voting precincts. All such surplus ballots shall be taken as they happen to come without selection.

2. " Transferable ballots " means ballots from which the next choice of the voter for some continuing candidate can be clearly ascertained. A " continuing candidate " is a candidate as yet neither elected nor defeated.

3. Whenever a ballot is transferred from one candidate to another, it shall be tallied or otherwise recorded by a tally clerk assigned to the candidate to whom it is being transferred. Each tally clerk shall take care not to receive for his candidate by transfer more ballots than are required to complete the quota.

4. The votes standing to the credit of each candidate shall be added and a tabulation of results made whenever a comparison of the votes of the several candidates is necessary to determine the next step in the procedure. Each tabulation, together with the transfers of ballots made since the preceding tabulation, is referred to in this section as a " count."

5. After the transfer of all surpluses (or after the first count if no candidate received a surplus) every candidate who has no votes to his credit shall be declared defeated. Thereupon the candidate lowest on the poll as it then stands shall be declared defeated and all his transferable ballots transferred to continuing candidates, each ballot being transferred to the credit of that continuing candidate next preferred by the voter in accordance with rule 6. Thereupon the candidate then lowest shall be declared defeated and all his transferable ballots transferred in the same way. Thus the lowest candidates shall be declared defeated one after another and their transferable ballots transferred to continuing candidates.

6. Whenever in the transfer of a surplus or of the ballots of a defeated candidate the vote of any candidate becomes equal to the quota, he shall immediately be declared elected and no further transfer to him shall be made.

7. When candidates to the number of seats to be filled have received a quota and have therefore been declared elected, all other candidates shall be declared defeated and the election shall be at an end; or when the number of continuing candidates is reduced to the number of seats still to be filled, those candidates shall be declared elected whether they have received the full quota or not and the election shall be at an end.

Every ballot transferred from one candidate to another is stamped so that its entire course throughout the counting can be traced in case a recount is demanded.

243. The Recall. — When the people elect very few officers and trust everything to them it seems advisable to be able to remove those who do not give satisfaction. Therefore twelve States [1] and over two hundred cities, principally of the commission and commission-manager types, reserve the right to remove such officers.

Whenever a prescribed number of voters, the number varying from State to State, become sufficiently dissatisfied with an officer to petition for a new election, the officer whom they wish to remove must again stand for election. If the officer receives more votes than any other person who has offered himself as a candidate he remains in office, but if he receives less than any other candidate he is removed from office; that is, he is recalled by the people.

244. Direct Legislation. — The idea of the short ballot movement is to reduce the number of elective officers so that the voters may know the qualifications of those whom they elect. If these few officers pass improper laws the *Referendum* (see Sec. 168) enables the voters to prevent the final enactment of such laws. If they refuse to enact laws desired by the people the voters themselves may enact them by means of the *Initiative* (see Secs. 156 and 169). Or if the officers prove incompetent or dishonest they may be removed by the *Recall* (see Sec. 243).

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[1] For complete list of Recall States see Section 244.

PROGRESS OF THE INITIATIVE, REFERENDUM, AND RECALL

Percentages in this table refer to voters required on petitions

WHERE ADOPTED	WHEN	STATUTORY INITIATIVE	CONSTITUTIONAL INITIATIVE	REFERENDUM	RECALL
So. Dakota	1898	5% indirect[1]		5%	
Utah	1900	5% indirect 10% direct		10%	
Oregon	1902	8% direct	8% direct	5%	25%
Nevada	1904, 1912	10% 1912 indirect	10% 1912 indirect	10% 1904	25% 1912
Montana	1906	8% direct		5%	
Oklahoma	1907	8% direct	15% direct	5%	
Maine	1908	12,000 indirect		10,000	
Missouri	1908	8% direct	8% direct	5%	
Michigan	1908, 1913	8% 1913 indirect	10% 1913 direct	5%	25% 1913
Arkansas	1910	8% direct	8% direct	5%	Carried, but killed by Supreme Court
Colorado	1910	8% direct	8% direct	5%	25%
Arizona	1911	10% direct	15% direct	5%	25%
New Mexico	1911			10%	
California	1911	5% indirect 8% direct	8% direct	5%	12% state 20% local
Ohio	1912	3% indirect 6% direct	10% direct	6%	
Nebraska	1912, 1920	7% direct	10% direct	5%	
Washington	1912	10% direct and indirect		6%	25% state 35% local
Idaho	1912		[2]	[2]	[2]
No. Dakota	1914	10,000 direct	20,000 direct	7,000	30% 1920
Kansas	1914				10, 15, 25%
Louisiana	1914				25%
Maryland	1915			10,000 voters[3]	
Massachusetts	1918	20,000 indirect	25,000 indirect	15,000	

[1] "Indirect" means that opportunity must first be given for action by the legislature on initiated measures.

[2] Initiative, Referendum, and Recall amendments were adopted by the voters of Idaho in 1912, but without a self-enacting clause. Each has remained a dead letter for lack of action by the legislature; hence they are omitted from the table above.

[3] Laws for any one county or Baltimore city may be referred to the voters thereof on a 10% petition.

MUNICIPAL: The Initiative, Referendum, and Recall have been incorporated more or less completely in the charters of over 300 cities and towns in the United States and are in successful operation. Many such municipalities are not in the above mentioned Initiative and Referendum States, the Initiative, Referendum, and Recall having been granted by the legislatures by means of general laws or special charters.

This direct action on the part of the people demands enlightenment on the part of the voters, and for this purpose many of the States which have adopted the Initiative and Referendum send a pamphlet to each voter before an election giving in a condensed form the strongest arguments on each side of every question referred to them. Thus with this publicity the people are prepared to vote upon the various issues with a degree of enlightenment.

If too many measures are submitted to the people, the voters are just as burdened as when they have too many officers to elect. Woodrow Wilson argued that these safeguards should be considered merely as "a gun behind the door" to be used only in cases of emergency.

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Election Laws of your State.
Sample Ballots.

Questions on the Text

1. What is meant by registration? How often need one register in the State in which you live? Explain just how one registers.
2. What useful service is performed by political parties?
3. How do political parties induce unthinking persons to vote a straight ticket?
4. Name five different methods of nominating candidates.
5. Describe a delegate convention.

6. Describe a direct primary election.

7. What is meant by nomination by petition?

8. What is meant by the "closed" primary? By the "open" primary? What advantages and disadvantages has each?

9. Is the direct primary "an opportunity" or a "cure" of election evils? Explain.

10. When are most elections held for choosing State officers? Federal officers? City officers?

11. Explain just how an election is held — officers, place, equipment, ballots, booths, poll books, time of day, "watcher."

12. Explain the Australian method of voting and tell just how it was introduced into the United States.

13. Why do some States object to voting machines?

14. Explain why secret voting has taken the place of the *viva voce* method.

15. Describe an Australian ballot.

16. Should the names of candidates be arranged on the ballot in party columns or alphabetically?

17. What is meant by the short ballot movement? Give the arguments in favor of short ballots.

18. Explain how city officers are elected in Cleveland?

19. What is meant by the *Recall?*

20. What is meant by *direct legislation?* Did Woodrow Wilson favor it?

Questions for Discussion

1. What provision is made in your State constitution in regard to State elections?

2. Upon what date is your State election held? City election? National election? County election? Why should National, State, and local elections be held on different dates?

3. Obtain a copy of the last ballot voted at your home and compare it with those printed in this chapter. Which do you consider the better?

4. Have your father, or your brother, who votes make a list of the National, State, county, township, city or village, and school officers elected by the people in your State. If they cannot do this do you not think that it is a strong indication that more officers are being elected than the voters are capable of electing wisely? Which of them do you think should be appointed?

5. Explain the following quotation, which favors a "short ballot": "We cannot make the voters all go into politics, but by a drastic

reduction in the number of elective officers we can make politics come to the voters."

6. Nicholas Longworth, when congratulated on his election to Congress, is reported to have said: "Election! I wasn't elected; I was appointed." What is the significance of this remark?

7. The New Jersey election law enacted under the influence of Woodrow Wilson provides that a State convention of each party shall be held annually to adopt a party platform. The convention is composed of forty candidates nominated at the party primary for the offices of assemblymen or State senators, hold-over senators, members of the State committee, and the governor, or the candidate for governor the autumn when a new governor is to be elected. Would you favor this arrangement for your State? Why?

8. Mr. C. L. Gruber explains the word "government" in the following words: "The word 'government' is derived from the French *gouverner*, from the Latin *guberno*, which was borrowed by the Romans from the Greek *kybernao*, a word meaning 'to steer a ship.' We therefore sometimes speak of the government as the 'ship of state.' The idea of general welfare and great vigilance is therefore embodied in the etymology of the word, since the interests of him who steers the ship are but the interests of every one on board. The safety of the vessel depends upon the skill and watchfulness of the man at the helm." Prepare an argument on the subject, "Eternal vigilance is the price of liberty."

9. In 1896 the Municipal Voters' League of Chicago was organized to promote efficient government in Chicago. It investigates the records of candidates nominated by the regular party organizations and furnishes the information pertaining to each candidate to the voters of the city. Its membership is never called together, its work being directed by an executive committee of nine members. This committee has the sole authority to commit the organization for or against any candidate or measure. Are the voters of your community informed as to the qualifications of candidates, or do you need such an organization?

CHAPTER XXVII

STATE FINANCE

245. The Taxing Power of a State. — Taxes are charges imposed by a legislative body upon persons or property to raise money for public purposes. With the following exceptions, a State legislature may impose taxes of any kind and any amount, or may give permission to the legislative bodies of counties, townships, towns, or cities to do the same.

(1) *Taxes must be for a public purpose.* Exactly what is meant by a "public purpose" cannot be defined, but must be decided by the courts whenever taxpayers feel that they are being taxed for a private purpose and carry their complaints into court.

Some years ago Topeka, with permission of the legislature of Kansas, agreed to pay a sum of money to a manufacturing concern if it would locate its iron works in that city. The factory was so located, but when taxes were assessed for the payment of this sum of money certain taxpayers brought their complaint to court, and, after several appeals, the Supreme Court of the United States decided that taxes could not be collected for this private purpose.

On the other hand railroads may receive aid from a State, county, or city, unless the State constitution prohibits it, because the public generally have such a direct interest in the transportation of commodities and the circulation of business that the whole community is benefited.

(2) *Taxes must operate uniformly upon those subject to them.* The assessment of all persons and property within a class or district selected for taxation must be according to a uniform rule. For instance, when a citizen of New York State inherits a certain amount of property he must pay a State tax varying

from 1 per cent to 8 per cent, depending upon the amount inherited and the degree of relationship. This tax operates uniformly because all who fall within the same class are taxed alike.

(3) *The classification of property for taxation must be reasonable.* For instance, it was declared reasonable for Louisiana to impose a license tax upon manufacturers of sugar, at the same time exempting from its operation those who refined the products of their own plantations. But you could not thus tax Jews, Germans, Negroes, Republicans, or Catholics who manufacture sugar and exempt all others, because the classification would be unreasonable.

(4) *Either the person or the property taxed must be within the jurisdiction of the government levying the tax.*[1] Double, or even triple, taxation, however is not forbidden. For example, a person working in one State and living in another might have to pay an income tax both in the State where he earns his money and in the State of his residence. And if he has invested his savings in a third State, that State also may tax the income from the investment.

(5) *In the assessment and collection of a tax certain guarantees against injustice to individuals must be provided.* For instance, if property worth $10,000 is assessed for $15,000, the owner has the right to go before some tax revision board or court and have the mistake corrected.

(6) *A State may not tax the agencies by means of which the Federal government is enabled to exercise its functions.* The

[1] The city of Charleston, South Carolina, borrowed money by issuing bonds which paid 6% interest. Afterward it attempted to tax these bonds whether they were held by citizens of Charleston or persons living outside the State, the city treasurer being directed to deduct 5% of the interest before sending it to the owners of the bonds. Those living outside the State went to court, and the Supreme Court of the United States decided that the city could not thus tax persons living outside the State. The city government did not have jurisdiction either of the persons or the bonds (property); hence to keep back a part of the interest was breaking the contract with the persons who lent money from outside the State.

(U. S. Constitution, Art. I, Sec. 10.)

power to tax is the power to destroy, and if States could tax the agencies of the Federal government they might destroy these agencies. To illustrate, a State may not tax Federal government bonds or the incomes therefrom, salaries of Federal officers or the public money in its treasuries, or discriminate in any way against patented articles.

(7) *A State may not, without the consent of Congress, tax imports or exports to or from the United States.*[1] About two thirds of the imports of the United States come through the port of New York. If New York State could tax these imports, most of which are intended for other States, she would really be levying a tax upon other States. The same would be true if she could tax Western wheat which is shipped abroad from the port of New York.

(8) *A State may not tax interstate commerce as such.* If a State could tax interstate commerce it might interfere with the right of the United States to regulate it. For instance, logs owned by one Coe were floating down a river from Maine to New Hampshire. When the river froze they were within the town of Errol, which town attempted to tax them. The Supreme Court of the United States prohibited it, as it would have been a tax upon interstate commerce.

A State may not place a license tax on drummers who sell commodities to be sent from another State, but may tax peddlers who carry the commodities with them or get their supplies from commodities already in the State, provided, of course, that they are not discriminated against because of the fact that they sell goods brought from without the State.

(9) *A State may not, without the consent of Congress, lay any duty on tonnage.* Tonnage means a vessel's internal cubic capacity in tons of one hundred cubic feet each. A State may tax a vessel as ordinary property, but may not tax it on the basis of tonnage.

[1] A State may impose small fees sufficient to cover the cost of enforcing its inspection laws.

(10) *State constitutions place a few restrictions upon their legislative bodies.* For instance, a constitution may limit the tax rate to a prescribed number of mills on the dollar; or may exempt from taxation such property as churches, schools, and burial grounds.

246. Different Kinds of State and Local Taxes.—The revenues for the forty-eight States are derived from the following sources:

State Revenue Receipts (1922):	
General Property Taxes	$348,291,000
Special Property and other Special Taxes	196,082,000
Includes $66,046,026 inheritance taxes	
" 29,329,866 income "	
" 49,832,881 corporation "	
" 13,998,921 bank stock "	
Poll Taxes	8,323,000
Licenses	305,367,000
Special Assessments	9,410,000
Fines, Forfeits, and Escheats	6,002,000
Subventions and Grants	110,716,000
Interest, Rents, and Highway Privileges	55,006,000
Earnings of General Departments	116,549,000
Earnings of Public Service Enterprises	3,699,000
Total	$1,159,445,000
County Taxes (1922):	
General Property	$687,286,000
Special Taxes	4,007,000
Poll Taxes	9,127,000
Licenses and Permits	25,105,000
Special Assessments	19,475,000
Total	$745,000,000
Other Local Taxes (1922):	
Townships	149,028,000
School Districts	736,290,000
Incorporated Places with Less than 2500 Inhabitants	95,100,000
Incorporated Places with 2500 and over Inhabitants	1,532,435,000
All Other	99,293,000
Total State Revenue and Local Taxes (1922)	$4,516,591,000

Cities of Over 30,000 Population (1922):[1]

General Property Taxes	$1,337,784,000
Special Property and Other Special Taxes	41,119,000
Poll Taxes	4,156,000
Licenses	58,077,000
Special Assessments	103,135,000
Fines, Forfeits, and Escheats	13,035,000
Subventions and Donations	119,106,000
Interest, Rents, and Highway Privileges	94,151,000
Earnings of General Departments	51,941,000
Earnings of Public Service Corporations	184,505,000

General Property Taxes, which constitute more than half of all State and local revenue, consist of taxes on realty and personalty. *Realty* is land and permanent improvements thereon; *personalty* is movables, such as cattle, money, or shares of stock. In 1924 every State except California, Pennsylvania, and Delaware collected general property taxes. The local governments of all forty-eight States also collected such taxes. The rate of levy upon the $100 worth of property varies from a few cents in some rural districts to several dollars in cities.

Special Property Taxes consist of inheritance taxes, taxes on capital stock of corporations, investments, mortgages, income taxes, etc. In 1919 nine States collected only $5,278,284 in income taxes, but in 1922 eleven States collected $29,329,866 in income taxes.[2] Since 1922 a number of States have voted against the adoption of an income tax.

Business Taxes consist of taxes on insurance companies;[3] taxes on the earnings of express, telegraph, telephone, sewing machine, mining, oil, railway, car, and other companies, and loan associations.

Non-Business Licenses include hunting, fishing, and automobile licenses.

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[1] The amounts under this table total more than those given for "Incorporated Places with 2500 and Over Inhabitants" on page 422, because such non-revenue items as "Earnings of Public Corporations" and "Earnings of General Departments" are here listed. See "Financial Statistics of Cities, 1922," Bureau of the Census, 1924.

[2] In 1922 the following States had the income tax: Delaware, Massachusetts, Mississippi, Missouri, New York, North Carolina, North Dakota, Oklahoma, South Carolina, Virginia, and Wisconsin.

[3] In 1919 taxes on insurance companies amounted to $25,954,062. Michigan, Virginia, and Nevada are the only States which did not report an insurance tax, but the tax produced as much as $1,000,000 in New York, Pennsylvania, Ohio, New Jersey, and California only.

Interest and Rents consist of interest on money deposited in banks, and rents from such sources as public school lands and public works belonging to a state or city but operated by a renter.

Subventions and Grants represent such items as aid from the national government for agriculture, education, experiment stations, and highways.

Poll Taxes mean capitation taxes, a levy of say $1 annually against adults. All but eight States have it as a State or a local tax. In twenty-five it may be paid by work on roads.

Earnings from General Departments include numerous items such as fees for governmental services, charges for tuition, charges for patients at hospitals, and sales of commodities produced at public institutions.

Earnings of Public Service Enterprises are from such State sources as docks and wharves, ferries, canals, toll bridges, electric railways, schoolbook publishing house (Kansas), tobacco warehouse (Maryland), railroad (Texas), irrigation systems (Idaho and Oregon), and land settlements (California); and from such city sources as water, electric, and gas systems, wharves, markets and public scales, cemeteries and crematories, public halls (San Francisco, Denver, Buffalo, St. Paul, Portland, etc.), subways for pipes and wires (Baltimore), railways (San Francisco, New Orleans, Seattle, and Tacoma), ferries, and toll bridges.

Special Assessments and Charges for Outlays constitute collections made for drainage, maintenance of levees, fire protection in forests; or collections made by Massachusetts from the cities by reason of the metropolitan park, sewer, and water loans; and special assessments for the construction of sewers, paving, curbing, and sidewalks.

Pension Assessments are paid by public employees, such as teachers, policemen, and firemen as contributions toward pension funds.

Highway Privileges means licenses or franchises for electric lines, bus lines, etc., or for use of streets; *e.g.*, basements beneath the sidewalks.

Fines, Forfeits, and Escheats refer to fines for crimes, property forfeited for the nonfulfilment of duties attached therewith, and property reverting to the State when one dies without heirs or a will.

Donations and Gifts refer to gifts for endowment funds for schools, etc., money for libraries, and the like.

In addition to the taxes reported in the foregoing tables, thirty-five States have since imposed a gasoline tax varying from 1 to 5 cents a gallon. The proceeds from this tax are used for public roads, and in 1924 amounted to $79,734,490.

In the search for additional revenue, a number of States have also recently imposed severance taxes on natural resources severed from the earth, such as coal, iron, oil, and timber.

247. The General Property Tax. — *Assessment.* — Each local governmental division — city, town, or township [1] — has one or more tax assessors to determine the value of property which is subject to taxation. In case of personalty this is done each year, but in some States realty is assessed at longer intervals — *e.g.*, every five years in Virginia — but, of course, taxed each year. Assessors are expected to visit property and have the owner fill in a tax form. In practice they commonly assess one's property as it was assessed the previous year, and thus avoid the trouble and duty of visiting the property. The valuation put upon property by these assessors is usually accepted as the basis for county and State taxation.

As an example of the way in which the general property tax rate may be made up, the following illustration is given of the items that made up the tax rate within the town of West Chicago in the City of Chicago for 1925:

State	$ .85
Cook County	.80
Forest Preserve District	.14
City of Chicago	2.98
Board of Education	3.04
Sanitary District	.55
West Park Board	.82
Total	$9.18

Equalization. — If your property is assessed higher than a neighbor's property of equal value usually there is a means of having the injustice corrected. You may complain to an appeal tax court, to the county board of commissioners, or to a local board of equalization, as the law provides. Many States have county boards of equalization to come into a township

[1] In a few States the county is the smallest local division for purposes of assessment.

and raise or lower the assessment on all real estate in that township if it has been improperly assessed.

In some States there is also a State board of equalization to see that the property is assessed alike in the different counties. States without such boards often have property in one part of the State — *e.g.*, in a large city — assessed at its full value, whereas in another part of the State — *e.g.*, rural counties — it is assessed at only half of its value. This means that the city people are paying twice as much State tax as justice demands.

Collection. — State, county, and local taxes are usually collected by the same officials. After the taxes are assessed tax bills are prepared. In some States they are mailed to the taxpayers; but in others the taxpayer must come to the county treasurer or township officer who collects taxes, to learn the amount of his taxes.

Delinquency. — If taxes are not paid on a prescribed date a certain per cent is added. The property upon which the tax is levied is then said to be delinquent, and if the tax remains unpaid for a certain length of time the property is sold, perhaps at auction. If it brings more than enough to pay the taxes, added per cent, and costs, the former owner receives what is left.

Exemption. — State constitutions commonly enumerate certain kinds of property which the legislative body may not tax. Schools, free libraries, churches, and government property are good examples of property usually exempt from taxation.

248. Inheritance Taxes. — In 1913 the States derived $17,000,000 from inheritance taxes. In 1921 they derived $57,000,000. In 1921 New York State alone derived over $18,000,000 from this tax, and in some years it amounts to even more. (See Sec. 45.)

This New York law exempts parents, husband, wife, or child to $5000. On the excess of $5000 the rate is 1 per cent up to $25,000; 2 per cent from $25,000 to $100,000; 3 per cent from $100,000 to $200,000; 4 per cent for all over $200,000. Persons other than those enumerated are exempt from the tax on

the first $500 only; but instead of paying from 1 to 4 per cent on the amounts in excess, brother, sister, son-in-law, or daughter-in-law must pay a rate varying from 2 to 5 per cent and other persons from 5 to 8 per cent. The method of assessing higher rates on large estates than on small is known as progressive taxation; and higher rates on distant relatives as collateral.

All States except Alabama and Florida reported the collection of inheritance taxes in 1922, but in nine States the amount was less than $100,000. The amount collected is small in these States because they exempt from the tax property inherited by lineal ancestors, lineal descendants, husband or wife, and brother or sister; and there is not much property inherited by others.

249. State Budget Systems. — Until 1913 most State incomes were expended in a very haphazard manner. The various spending departments and institutions of the State would send in their estimated needs, which were merely compiled by some State officer or perhaps sent directly to the legislatures. After the appropriation committees of the houses had framed the general appropriation bills which were based on these estimates, and the houses had passed them, a large number of petty appropriation bills were introduced.

Proposals to spend money came forward every year by the thousand, and their chance of adoption was not in proportion to their merits but rather to the political influences behind them. When the legislature adjourned no one knew definitely how much money had been appropriated. With the pressure of local interests and log-rolling methods of legislation, waste, extravagance, and deficits were inevitable.

The governors of many States were given the power to veto specific items in appropriation bills, but some legislatures, to satisfy all interests asking appropriations, voted millions more than there was revenue to meet, and thus placed upon the governor the disagreeable task of offending many interests by vetoing this and that item.

Since 1913 most States have devised some method of preparing a budget before the legislature meets, but because there is a wide variation in the location of responsibility for the preparation of the budget, the systems fall into three fairly distinct classes.

(1) *Legislative Budget.* — A few States continue to have their budgets prepared and submitted to the legislature by a committee of the legislature. This system makes it difficult to fix responsibility.

(2) *Board or Commission Budget.* — Nearly half the States prepare their budgets through boards or commissions, of which the governor is usually a member, constituted in one of the following ways:

(*a*) members of the legislature and ex-officio administrative officers;

(*b*) ex-officio administrative officers;

(*c*) ex-officio administrative officers and persons appointed by the governor;

(*d*) persons appointed by the governor.

(3) *Executive Budget.* — About half of the States make the governor responsible for the preparation of the budget. This system is considered best for locating responsibility, and the methods used in the following States illustrate how responsibility may be fixed:

In Maryland the governor prepares a budget divided into two parts; one deals with the appropriations for the legislative, executive, and judicial departments, state debt, and other expenditures required by the constitution; and the other part deals with the general appropriations for State institutions, etc. The legislature is permitted to increase or decrease items relating to the legislature, to increase items relating to the judiciary, but otherwise may not alter the bill except to strike out or reduce items. Supplementary appropriations may be considered by the legislature after the budget bill has been finally acted upon, but every supplementary appropriation must be

embodied in a separate bill limited to some single work, object, or purpose; and each supplementary appropriation bill must provide the revenue necessary to pay the appropriation so made. The governor may veto any item of such bills.

In Nebraska, where the governor also prepares the budget the legislature cannot make appropriations in excess of his recommendations except by a three-fifths vote in each house.

The governor of Massachusetts also bears the responsibility for the preparation of the budget, but the legislature may increase, decrease, or add items or omit items. However, after the budget is passed the governor can veto or reduce items or parts of items.

How Revenue Is Expended. — After revenue is collected, and the city or other local division, the county, and the States have each received their proper share, the respective treasurers are not permitted to pay it out until a proper warrant is presented. After the State legislature appropriates its revenue, the State comptroller or auditor issues warrants to persons entitled to the money, as he is directed to do by the legislative acts appropriating the money.

After the county board appropriates the county money, the county treasurer pays it out when a warrant signed by the county auditor, or some other designated person, is presented. In cities and towns the council appropriates the revenue, and some designated officer or officers sign the warrants to be cashed by the treasurer.

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Questions on the Text

1. What are taxes?
2. What restrictions are there upon a State's power to impose taxes?
3. Name the principal sources of State revenue.

4. What is the general property tax? Special property tax? Business tax? Poll tax?
5. How are general property taxes assessed?
6. What do you mean by a board of equalization?
7. How are taxes collected?
8. What is meant by delinquent taxes?
9. What classes of property are usually exempt from taxation?
10. What is an inheritance tax?
11. What is meant by progressive inheritance taxes?
12. Explain how each of the three types of State budgets operates.
13. Explain the use of warrants in the expenditure of revenue.

Questions for Discussion

1. What provisions are made in your State constitution regarding taxation?
2. How many mills on the dollar is property taxed for State purposes in your State? For county purposes? For village or city purposes if you live in such place?
3. Does your State have a capitation tax? If so, how much is it and who must pay it?
4. Does your State have an inheritance tax? If so, what would be the net proceeds of an inheritance of $100,000?
5. Figure the approximate amount of taxes paid by some person of average means.
6. How much does your State contribute towards the support of the National government, assuming that it contributes in proportion to its population?
7. If your property is assessed higher than your neighbor's what redress do you have?
8. It has been suggested that the only way to reach such intangibles as money, notes, and accounts, is to protect a man only to the extent of the property on which he pays taxes. The remedy is to prevent a note-owner from going to court with it if the note is not listed and a tax paid on it. Would this be expedient?
9. In 1918 it was discovered in Oregon that only 42,000 owners of automobiles had paid the personal property tax, whereas 63,000 had secured licenses. Therefore 21,000 cars had dodged the property tax; so the legislature of 1919 abolished the personal property tax on automobiles and increased the license tax, returning one third of the licenses collected to the home county of the machine's owner. Does your State have a personal property tax on automobiles? If so, would you favor abolishing it?

CHAPTER XXVIII

PUBLIC EDUCATION

250. Growth of Elementary Education. — Public free schools were established in several of the New England States as early as the seventeenth century, shortly after their settlement;

Corridor, Webster School, St. Louis.
Lessons in art and nature study.

but even there interest in education declined during the next century.

It is doubtful whether previous to the Revolutionary War as many as one half of all the white persons throughout the thirteen colonies could read and write. Most children depended

upon the little instruction that their parents could give them at home, and the boys were given the preference because it was not considered that girls needed much schooling to prepare them for household duties. It was not until the nineteenth century that a systematic effort was made to educate the masses of people throughout the country.

In 1838 Horace Mann, first secretary of the Massachusetts State Board of Education, aroused great interest in public

Lunch in a Chicago School.

school education throughout the North. In the South there were no successful efforts to establish systems of public free schools until after the Civil War. As late as 1880 seventeen per cent of the individuals over ten years of age in the United States were illiterate — that is, could not write. By 1920 the number had been reduced to six per cent. There should be no illiterate adults except those who are mentally unable to learn — less than one per cent.

Compulsory Education. — There are about 22,000,000 pupils enrolled in the elementary schools [1] — principally public free schools — but unfortunately less than half of those that enter the first grade continue through the eighth grade. However, practically all of the States have compulsory education in some form, but in all but six the pupils are required to attend only until they are sixteen or less years of age, and in half the States only an elementary grade education is required. In many States the laws are so poorly enforced that compulsory education exists in name rather than in fact. In the Southern States it is seldom enforced in the colored schools.

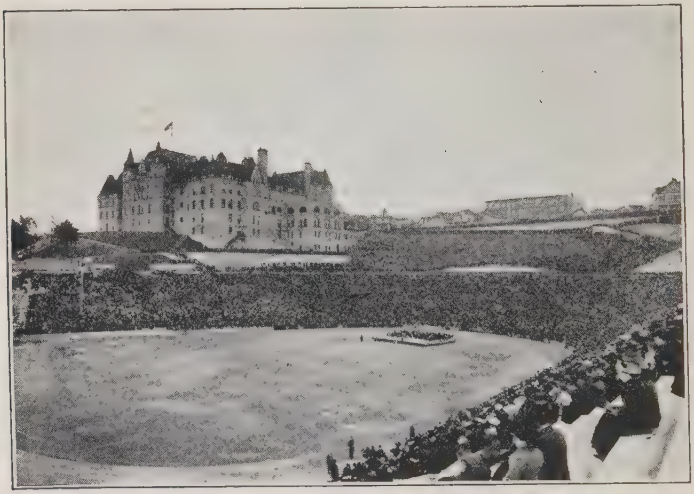
Gary-Plan Class in Mental Arithmetic.

Five States require the complete high school course if a high school is maintained by the local school corporation. In other States some cities, for example Seattle, have compulsory high school education. Parents who do not send their children to school in compliance with the law may be fined from $5.00 to $50.00 for each offense according to the penalty imposed by the respective States.

251. Year-Round Schools. — During the summer months young pupils forget much that they have learned during the previous school year; therefore some schools are running the year round, pupils being permitted to take three or four twelve-

[1] Elementary schools ordinarily include the first eight grades which a child is supposed to pass through between the ages of six and fourteen. The first four grades are commonly known as primary grades, the fifth and sixth as intermediate grades, and the seventh and eighth as grammar grades.

PUBLIC SCHOOL PUPILS MAKING MODEL AIRPLANES. ROCHESTER, NEW YORK.



HIGH SCHOOL AND STADIUM, TACOMA, WASHINGTON.

week terms. Thus a pupil can gain one school year every third year.

Superintendent William A. Wirt, of Gary, Indiana, feeling that the chore time of the farm boy has become the "street and alley time" of the city boy, keeps the pupils at school eight hours a day instead of six. Half of this time is spent in their classrooms, the other half on the playgrounds, in the school gardens, in the manual training department, in the laboratory, in the assembly hall, or taking observation excursions. Thus

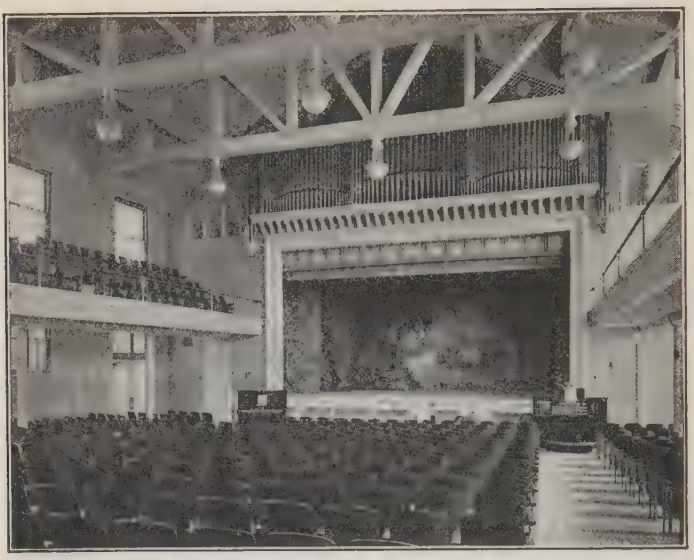
Redondo, California, Union High School.

This high school is supported by a community of ten thousand. There are five hundred day and three hundred and seventy-five evening students.

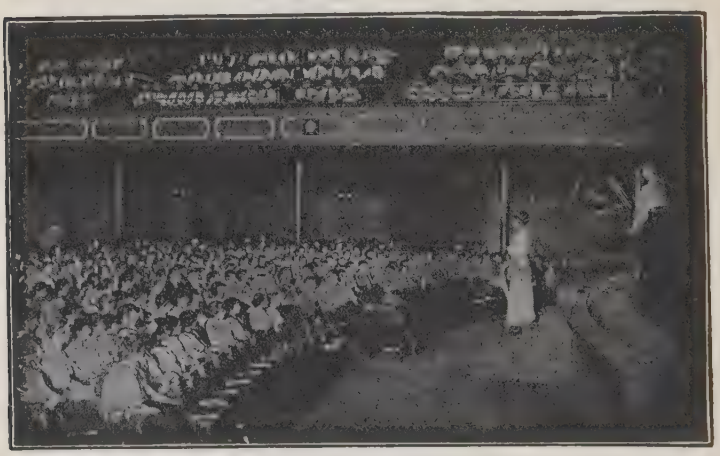
two sets of classes can recite in the same rooms, the pupils having every other hour in the classroom. Hence the children are kept profitably occupied without growing weary of continuous hours in the classrooms.

The slackened school-building program caused by the World War created a shortage of accommodations, and more than fifty cities of the country have relieved the congestion by instituting some modification of the Gary plan, which is sometimes called the work-study-play or the platoon system.

252. Growth of Secondary Education. — Until about 1850 only the few persons who could afford an education at a private



CIVIC AUDITORIUM IN REDONDO HIGH SCHOOL.
This auditorium is used as a community social centre. Seating capacity 1000.



SINGING WITH THE VICTOR. SOUTH HIGH SCHOOL, MINNEAPOLIS.

academy could hope for schooling extending much beyond the three R's. Public high schools began to spring up about 1850 in most of the large Northern cities, and gradually spread to the Southern cities after the Civil War, but it is only very recently that they have been established in the small towns and districts of the South.

There are more than 3,000,000 students in secondary schools, of whom all but about 300,000 are in public high schools. Of these 52 per cent are girls and 48 per cent boys. The fact that only about 39 per cent of those who enter the high schools graduate is regrettable.

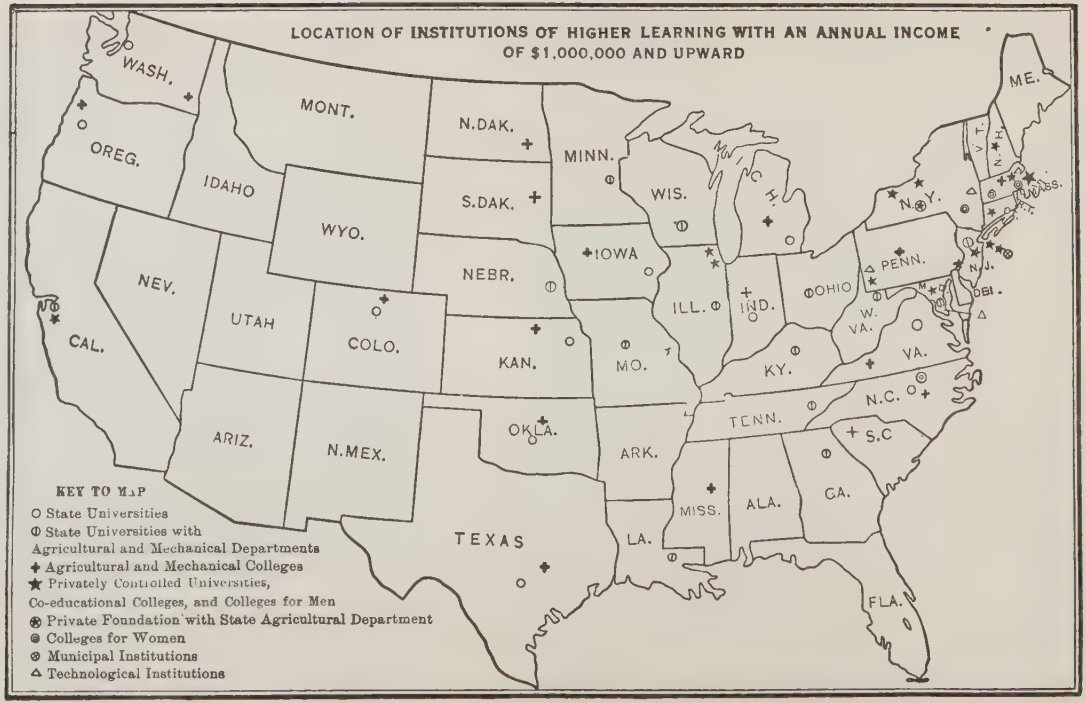
About six hundred cities have established junior high schools, which usually embrace grades 7, 8, and 9. These schools substitute departmental work for the elementary courses, which gives the pupils the advantage of teachers especially trained for the courses they offer; they tend to hold the pupils in school a year longer; and they give some insight to social and civic activities.

253. Growth of Higher Education. — Nine colleges which continue to exist[1] were established under church influence before the Revolutionary War and were assisted by the colonial treasuries. Since the Revolutionary War schools of higher education have increased to 780 colleges, universities, and technical schools — 119 under public control and 661 under private control. Though only about a million have graduated from these schools since the discovery of America, there are now three quarters of a million attending them — the number having more than doubled since the World War.

These figures indicate that competition in the field of higher education will soon become acute; hence the person with only a high school education will be at a great disadvantage.

Land Grant Colleges. — Since 1862 the Federal government has granted to the States about 11,000,000 acres of land for the

[1] Harvard (1636), William and Mary (1693), Yale (1701), Princeton (1746), Kings, now Columbia (1754), University of Pennsylvania (1759, reorganized 1779), Brown (1764), Rutgers (1766), and Dartmouth (1769).


LOCATION OF INSTITUTIONS OF HIGHER LEARNING WITH AN ANNUAL INCOME OF $1,000,000 AND UPWARD
WASH.
OREG.
CAL.
NEV.
IDAHO
MONT.
WYO.
UTAH
ARIZ.
COLO.
N.MEX.
N.DAK.
S.DAK.
NEBR.
KAN.
OKLA.
TEXAS
MINN.
IOWA
MO.
ARK.
LA.
WIS.
ILL.
MICH.
IND.
OHIO
KY.
TENN.
MISS.
ALA.
GA.
FLA.
S.C
N.C.
VA.
W. VA.
PENN.
N.Y.
ME.
VT.
N.H.
MASS.
R.I.
CONN.
N.J.
DEL.
MD.
KEY TO MAP
State Universities
State Universities with Agricultural and Mechanical Departments
Agricultural and Mechanical Colleges
Privately Controlled Universities, Co-educational Colleges, and Colleges for Men
Private Foundation with State Agricultural Department
Colleges for Women
Municipal Institutions
Technological Institutions

establishment of colleges for the study of agriculture, the sciences, mechanical arts, and military tactics; and it annually appropriates $80,000 or more to aid each State in the support of such school and for agricultural experimentation; and an additional amount for extension work. Some States spend more than $1,000,000 annually for the land grant college.

Stock Judging by Boys' Club Members, Oregon Agricultural College.

254. Administration of Public Schools. — Each State has its own system of public schools. Certain central control is reserved by the State governments, but the regulation of school affairs is left chiefly to the local governments — districts, townships, counties, and cities.

Under the *district system*, which originated in New England, each school is controlled by the patrons residing in the district from which the school is attended. This system is inefficient and is being replaced by a system with a much larger unit, such as the township. The *township system* places all the schools within its limits under one authority, usually a small board chosen by the voters. This system encourages the es-

PER CAPITA EXPENDITURE IN SCHOOLS OF HIGHER EDUCATION

STATE	PRIVATELY SUPPORTED	STATE SUPPORTED	STATE	PRIVATELY SUPPORTED	STATE SUPPORTED
Alabama	$.34	$.71	Nebraska	$.79	$2.22
Arizona	.00	3.38	Nevada	.00	6.13
Arkansas	.28	.51	New Hampshire	3.76	1.67
California	1.56	2.61	New Mexico	.00	1.81
Colorado	.66	2.33	New Jersey	.80	.24
Connecticut	4.83	.63	New York	2.42	.62
Delaware	.00	2.12	North Carolina	.72	1.67
Florida	.31	1.14	North Dakota	.36	2.40
Georgia	.78	.58	Ohio	1.14	1.21
Idaho	.23	2.64	Oklahoma	.14	1.49
Illinois	1.65	.81	Oregon	1.07	3.69
Indiana	.92	1.20	Pennsylvania	1.78	.42
Iowa	1.30	2.42	Rhode Island	1.51	.64
Kansas	.86	2.36	South Carolina	.54	1.17
Kentucky	.58	.64	South Dakota	.66	2.29
Louisiana	.75	1.09	Tennessee	.99	.45
Maine	.76	1.06	Texas	.72	.21
Maryland	2.63	2.55	Utah	.98	2.51
Massachusetts	4.73	.40	Vermont	1.29	2.10
Michigan	.40	2.37	Virginia	1.11	1.42
Minnesota	1.01	2.91	Washington	.33	2.46
Mississippi	.20	1.26	West Virginia	.24	1.27
Missouri	1.08	.81	Wisconsin	.91	2.16
Montana	.19	3.34	Wyoming	.00	3.20

tablishment of union high schools with free transportation for pupils who live at a considerable distance from the school. The *county system*, with county officials in control, prevails in the South, but there is always some smaller school division subject to county control. Large cities and many smaller ones have a *city school system* independent of the township or county. The city board of education is usually chosen by the voters.

State Supervision. — Each State has a superintendent of education, and about three fourths of them have State boards of education. In thirty-five States the superintendents are elected, but the boards are selected by various methods. The superintendent, or the board working through a superintendent, supervises the State system in accordance with the general school laws of the State.

255. School Revenue. — The revenue spent on our State public school systems amounts to about $2,000,000,000 yearly — not much more than is spent on tobacco. It is derived principally from local taxes, to a less extent from State taxes, and to a very small extent from the income of permanent school funds and school lands.

The Federal government had not aided the State school systems until Congress passed the Smith-Hughes Act in 1917. It now allots to the States, on condition that they provide a like amount, funds for vocational education:

(1) For the training of teachers of agriculture, trade, home economics, and industrial subjects.

(2) For the salaries of teachers of trade, home economics, and industrial subjects.

(3) For the salaries of teachers, supervisors, and directors of agricultural subjects.

The Federal Board of Vocational Education (Commissioner of Education, Secretaries of Agriculture, of Commerce, and of Labor, and three citizens representing agriculture, commerce, and labor) in coöperation with State boards administers the funds.

256. Apportionment of School Funds. — After school taxes have been collected by the State or county the money must be distributed among the townships or other school districts to supplement their local taxes in the support of their schools. There are various bases for the distribution of these funds,[1] but the best is that used by New Jersey in apportioning the county school funds. The sum of $200 is apportioned to a school for each teacher employed and the remainder of the fund is apportioned on the basis of aggregate days of attendance. This method of apportionment induces the local school board to have a sufficient number of teachers, to encourage a large attendance, and to have a long term.

257. Importance of Industrial Education. — To-day most products can be manufactured by means of complex machines; but it is necessary to have skilled labor to make, manipulate, and care for these machines. Thus it is necessary that the States educate their industrial classes for the duties which they are obliged to perform to meet the competition of the day.

If Germans are industrially trained, and they are, and Americans remain untrained, the Americans must do the menial labor while the Germans do the skilled labor, for which the pay is always greater. Instead of merely attempting to force up wages of the untrained, which is impossible beyond a certain point, the States or cities should see to it that the real earning capacity of their citizens is increased by industrial education.

258. Industrial Training in Cities. — Less than half of our boys complete the eighth grade, and in a number of industrial cities, such as Bridgeport, Richmond, and Birmingham, less than one fourth go beyond the sixth grade. Thus the systematic training of most boys ceases at the age of twelve or fourteen either because they do not care for or cannot afford such school-

[1] These various bases are: (1) Taxes-Where-Paid Basis, (2) Total Population Basis, (3) School Population Basis, (4) Average Daily Attendance Basis, (5) Aggregate Days Attendance Basis, (6) Teachers Employed Basis, (7) Combined Basis of Apportionment, and (8) Discretion of Board.

ing as is offered; hence the great need of to-day is to make possible industrial training for these boys. Many cities have night schools for boys who work during the day, but industrial subjects are not usually offered.

In Massachusetts any local school board may establish an industrial school with thorough technical courses, and may secure State aid covering one half the cost. At Worcester

Courtesy of Pratt Institute.

TRADE DRESSMAKING TAUGHT IN PRATT INSTITUTE, BROOKLYN, NEW YORK.

apprentice boys in the machine trade spend four hours weekly in the school taking courses in English, shop computation, drawing, and shop practice. The classes are held during the working day.

At Fitchburg, Massachusetts, a number of the manufacturers of the city have agreed to coöperate with the high school by allowing the students of the industrial department to alternate weekly between the factories and the school. An employer

takes two boys for each job and thus has one to work all the while. Each Saturday morning the boy who has been in school that week goes to the factory to get hold of the job on which his mate is working, and is thus ready to continue the work on Monday morning when the mate goes to school.

By this arrangement a boy can pay his expenses while getting an education. The practical experience in the shop shows him just what he needs to study in school and the schooling increases his efficiency and wages.

The University of Cincinnati School of Engineering has a somewhat similar arrangement with the shops of that city and vicinity. The students alternate between the school and the shops, spending two weeks in the school and two in the shops, but under the supervision of their teachers and for regular wages. The class work includes a discussion of the principles which the students have put into practice in actual shops.

In Seattle, where pupils are required to attend high school until graduation or until attaining the age of eighteen, a part time school is provided. Here a small per cent of the students are permitted to attend classes a few hours each week between the hours of eight and five, but not less than 144 hours a year. The part time permit may be granted because of economic need, complete self-support, needed at home, ill health, or mental inferiority.

259. Industrial Training in the Country. — For the same reason that cities need trade continuation schools — to increase the efficiency and earning power of city artisans — the country districts need agricultural schools and farm demonstration extension courses. Dr. Knapp, who did so much for the encouragement of agriculture, estimated that there is a possible 800 per cent increase in the productive power of the farm laborer in the average Southern State, distributed as follows:

300 per cent to the use of better mules and farm machinery;

200 per cent to the production of more and better stock;

150 per cent to a rotation of crops and better tillage;

50 per cent to better drainage;
50 per cent to seed of higher vitality, thoroughbred, and carefully selected;
50 per cent to the abundant use of legumes and the use of more economic plants for feeding stock.

In some agricultural sections the average annual earnings of individuals engaged in agriculture is only $150, whereas it is

Instruction in Operating an Incubator.

The United States Department of Agriculture conducts this type of extension work among the negroes of the South.

$1000 in Iowa. It is obvious that no substantial improvement in local education can come until the farmers are taught methods which will enable them to provide themselves with larger incomes.

260. Agricultural High Schools. — In various parts of the country, especially in the South, efforts are being made to establish high schools in rural parts of the States, where boys and girls may be taught to farm in a more profitable manner

than has been done by their fathers. In some States, counties are permitted and encouraged to establish agricultural high schools, often with State aid; in others the State establishes one agricultural high school in each congressional district, while localities sometimes maintain such schools at local expense.

Type of Consolidated School Bus Used in Montgomery County, Alabama.

The Farragut School of Concord, Tennessee, is a good illustration of an agricultural high school, supported by the community, which meets the needs of the majority of people. "Several years ago this school was reorganized with a view to making it a part of the life of the people it serves. Six years ago the building was destroyed by fire, but it was immediately replaced by the people of the community at a cost of about $12,000. A complete water system has since been incorporated, which cost a little less than $3000, making the initial cost of the school property, including 12 acres of land, about $17,000.

"The school stands in the open country, about one and a half miles from Concord, a village of about 300 inhabitants. The school building is a two-story brick structure, with basement. The high school occupies the second floor and has a laboratory on the first floor. The other rooms on the first floor are occupied by the elementary school. One half the basement contains the home economics room, a lunch room, and a toilet for the girls; in the other half are found the manual training room and the boys' lunch room and toilet room.

"The building was made as attractive as possible and at the same time thoroughly practical. The water system, which adds very much both to the convenience and sanitary conditions, was secured in the following manner: The water from a large spring about 1200 feet distant is pumped into two large tanks in the attic of the building by a No. 40 double-acting rifle ram, with a capacity of 3600 gallons per day. The ram is driven by creek water, but delivers only spring water to the tank. From the tanks the water is conveyed to all parts of the building, to the principal's home, and to the barn. Drinking fountains are located in the halls and lunch rooms, and wash bowls and sinks and laboratories. Shower baths are installed in both the boys' and girls' toilet rooms. The waste water from the showers, sinks, and fountains is carried by a tile sewer directly to the creek. The sewer pipe leading from the closets empties into a four-compartment septic tank, which is 15 feet long, 9 feet wide, and 7 feet deep. The tank overflows clear and odorless into the creek.

"Six acres are devoted to buildings, playgrounds, etc. The other six acres are used for demonstration purposes and for growing feed for the stock. One man is employed the year round as janitor and farm laborer. A four-year rotation of crops is used, and fertilizer demonstrations are in progress. Other land is devoted to general farm crops, so grouped as to get two crops per year. One crop is harvested, the other being

turned under to improve soil, which was very poor when the school took charge of it.

"Another prominent feature of the agricultural course is that of seed selection and seed testing. A flock of Plymouth Rock chickens is maintained and used in teaching animal husbandry. In the course in domestic economy the girls give as much study to the feeding of man as the boys in agriculture give to the feeding of live stock.

AVERAGE NUMBER OF BUSHELS OF CORN GROWN DURING A FIVE-YEAR PERIOD.

STATE	AVERAGE YIELD ON BOY'S ACRE	AVERAGE YIELD ON SIMILAR LANDS
Alabama	62.3	17.2
Arkansas	49.5	22.
Florida	38.58	8.
Georgia	56.4	14.
Louisiana	55.32	20.24
Mississippi	66.3	18.
North Carolina	62.8	20.
Oklahoma	48.	22.63
South Carolina	68.79	18.5
Tennessee	91.46	35.5
Texas	38.	24.
Virginia	59.5	20.

"An interesting feature of the school work is the moonlight social, which is held the last Friday night before each full moon. This is an effort to help solve the social problem of the rural community. The program varies from meeting to meeting, but always there is a talk on a subject of general interest pertaining to some phase of farm life. There is always plenty of music, and after the regular program, which lasts about one hour, the evening is given over to social converse. These meetings are well attended. The big meeting of the year is on Commencement Day, with an all-day program, including a basket dinner. In the forenoon the graduating class read their

essays and receive their diplomas. After dinner opportunity is offered to study the demonstrations and general farm work. The commencement address is given at 2 o'clock and there is a baseball game at 3.30. At 8 o'clock a two-hour drama is given by the high school students." [1]

261. Agricultural Demonstration. — By the Smith-Lever Act of 1914 Congress provided a system of agricultural extension work to be carried on by the State land grant colleges in

Treating Seed Potatoes with Corrosive Sublimate in Oregon.

coöperation with the Department of Agriculture. The National, State, and county governments jointly support this work.

This extension work provides practical instruction and demonstration in agriculture and home economics to persons not attending colleges. There are about 4000 extension specialists, county agents, home demonstration agents, and club agents engaged in this work.

[1] Quoted from "U. S. Bureau of Education," Bulletin No. 5, 1913, page 63.

262. Boys' Clubs. — County club agents have organized 200,000 boys and girls into agricultural and home economic clubs. The boys are organized into corn, potato, garden, pig, poultry, baby beef, dairy calf, and sheep clubs. Local, county, and State prizes are given and the topmost boys are often sent to Washington to meet the Secretary of Agriculture and to shake hands with the President; and thousands are given short summer courses at agricultural colleges.

263. Girls' Clubs. — Similar to the boys' clubs, the girls are organized into bread-making, meal preparation, hot school lunch, clothing, handicraft, and canning clubs. For instance, in the canning clubs each girl takes one tenth of an acre and is taught how to select the seed, to plant, cultivate, and perfect the growth of the tomato plant. Inexpensive canning outfits which can be set up out of doors — in orchard or garden — are obtained by each girl or by a small club. Commonly the girls meet at their various homes, bringing the raw vegetables or fruit with them. The girls are instructed by a county domestic science agent or by some local teacher or well-informed person who understands practical and scientific canning.

One year a girl in Lincoln County, Mississippi, earned a net profit just under $100 on her 950 cans of tomatoes.

264. Rank of States Educationally. — The table on page 463, prepared by Frank M. Phillips, Chief of the Division of Statistics, Bureau of Education, gives the approximate rank of each State in specified educational features for 1922.

This table can be understood better if illustrated in detail by Washington, whose general rank is first. In per cent of illiteracy 10 years of age and over she ranks 6th; in proportion of children in average attendance, 6th; in percentage of attendance in high school, 5th; in average attendance by children enrolled, 20th; in average number of days that schools are kept open, 14th; in students preparing to teach in proportion to number of teachers, 6th; in per cent of high school graduates continuing education, 24th; in total cost, excluding salaries, per pupil in

APPROXIMATE RANK OF THE STATES IN TEN SPECIFIED EDUCATIONAL FEATURES, 1922

General Rank	State	Per Cent of Illiteracy 10 Yrs. of Age and Over	Proportion of Children in Average Attendance	Percentage of Attendance in High School	Average Attendance by Children Enrolled	Average Number of Days That Schools Are Kept Open	Students Preparing to Teach in Proportion to Number of Teachers	Per Cent of High School Graduates Continuing Education	Total Cost, Excluding Salaries, per Pupil in Attendance	Average Salary of Teachers, Principals, and Supervisors	Total Amount Expended per Child of School Age
1	Washington	6	6	5	20	14	6	24	11	8	5
2	California	22	1	1	33	11	27	26	1	2	1
3	Ohio	16	16	11	10	16	23	22	6	11	9
4	Indiana	12	18	10	23	34	11	17	2	15	7
5	Michigan	18	36	23	3	2	1	34	3	17	13
6	District of Columbia	15	11	14	12	13	34	9	23	6	21
7	New York	28	34	20	4	4	30	5	19	1	15
8	Iowa	1	10	2	16	12	21	45	15	34	11
9	Nevada	32	7	7	25	24	44	3	12	12	2
10	New Jersey	29	28	32	2	3	38	10	10	3	14
11	Nebraska	2	4	17	21	20	17	47	13	28	6
12	Minnesota	8	13	21	18	23	16	42	9	23	10
13	Wisconsin	14	37	18	9	15	2	27	22	13	26
14	Colorado	20	15	12	34	17	8	30	14	24	12
15	Oregon	3	3	4	14	28	33	38	26	20	20
16	Montana	13	25	16	22	26	28	28	5	22	4
17	South Dakota	7	14	25	27	27	9	36	8	33	8
18	Illinois	23	22	24	5	7	22	41	20	9	23
19	Kansas	5	8	6	28	31	10	46	18	27	17
20	Idaho	4	12	15	29	25	25	37	16	21	19
21	Utah	9	5	13	19	33	48	23	17	14	22
22	Massachusetts	27	29	9	11	9	29	44	24	4	24
23	North Dakota	11	2	26	26	38	4	35	21	32	16
24	Connecticut	33	19	22	6	5	37	49	25	7	25
25	Pennsylvania	26	35	31	7	10	26	25	29	16	31
26	Arizona	44	47	30	31	22	20	16	4	5	18
27	Wyoming	10	9	27	32	30	47	48	7	30	3
28	New Hampshire	25	41	19	13	19	14	32	27	29	28
29	Maine	21	17	8	8	18	24	43	37	39	35
30	Vermont	17	21	3	15	32	43	21	34	37	27
31	Missouri	19	20	28	30	29	5	31	36	25	30
32	Rhode Island	35	40	33	1	1	36	40	30	10	29
33	Oklahoma	24	26	35	40	35	3	15	31	31	34
34	Delaware	31	43	29	24	8	46	14	35	18	32
35	Maryland	30	46	37	17	6	35	39	32	19	37
36	Texas	36	23	34	38	44	7	4	39	38	38
37	New Mexico	45	49	36	36	21	12	20	28	26	33
38	West Virginia	34	27	42	37	39	32	13	41	35	36
39	Virginia	41	42	45	36	36	18	19	38	42	40
40	Florida	39	32	40	41	45	49	8	33	44	39
41	Louisiana	49	48	38	39	37	31	11	40	36	41
42	North Carolina	42	33	48	43	42	41	1	42	43	42
43	Tennessee	40	31	44	44	40	15	33	43	48	43
44	Arkansas	38	30	43	47	47	39	12	49	40	48
45	Kentucky	37	38	46	48	48	19	29	45	41	44
46	Mississippi	47	24	47	46	43	40	7	48	49	47
47	Alabama	46	45	39	45	46	13	18	44	45	46
48	Georgia	43	44	41	42	41	42	6	47	47	49
49	South Carolina	48	39	49	49	49	45	2	46	46	45

attendance, 11th; in average salary of teachers, principals, and supervisors, 8th; and in total amount expended per child of school age, 5th.

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Annual Report of the Federal Board of Vocational Training.
Bulletins of the Federal Board of Vocational Training.
Annual Report of the United States Commissioner of Education.
Bulletins of the Bureau of Education, Washington.
Annual Report of the State Superintendent of Education.
A Summary of School Laws. (Usually distributed by the State Superintendent.)

Questions on the Text

1. To what extent were the American people educated previous to the Revolutionary War?

2. Who aroused great interest in public school education throughout the North in 1838?

3. When were public free schools established in the South?

4. What is meant by *elementary* schools? *Primary* schools? *Grammar* schools? *Secondary* schools? *Higher* education?

5. What proportion of pupils complete the eighth grade throughout the United States?

6. How are compulsory attendance laws enforced where they exist?

7. When did public high schools develop in the United States?

8. What are the arguments for the junior high school?

9. How many colleges were established in the United States before the Revolutionary War?

10. How many colleges are there to-day in the United States? How many students are enrolled?

11. Name some of the universities whose annual incomes exceed $100,000.

12. Explain how the United States has aided higher education in the States.

13. How many colleges and universities with incomes exceeding $100,000 are located in the State in which you live?

14. Name four systems for administering public schools. Describe each.

15. From what sources is public school revenue derived?

16. Is the amount of money spent on public education as much as should be spent?

17. What are the seven different bases for the distribution of school funds?

18. Why is it so important that the States furnish industrial education?

19. Explain how industrial education is taught at the Fitchburg (Mass.) High School. At the University of Cincinnati. At the Seattle High School.

20. Explain how farms can be made more productive.

21. Describe the Farragut School of Concord, Tennessee, and tell how it is conducted.

22. Explain how agriculture is taught by "county demonstrators."

23. Describe Boys' Clubs.

24. Describe Girls' Clubs.

25. According to the Russell Sage Foundation report what is the general rank of the State in which you live?

Questions for Discussion

1. What provisions does the constitution of your State make regarding education?

2. Is the compulsory education law enforced in your community? If not, by what means do you think it could be enforced?

3. Twenty out of the twenty-one counties in Wyoming have women as superintendents of schools. In what respect do you think the women are especially equipped for this work?

4. The Manual Arts High School of Los Angeles, California, has a student government organization, which includes all the students and the faculty. Its officers are chosen from the student body, with the exception of the auditor and the treasurer, who are appointed by the principal; the treasurer being under $2000 bond. The government of the school is practically in the hands of the students, but the principal has a right to interfere when he deems it necessary. Courts are held, where offenders who plead "not guilty" are tried. Counsel represents both sides and a student jury gives decisions. Laws may be established by initiative and referendum, and the recall may be invoked against any elected officer. The organization transacts $50,000

worth of business a year, the profit going into the treasury of the school. The book exchange, school printing plant, and cafeteria are among the enterprises. Prepare a constitution for the government of your school.

5. In many States text-books are furnished free, in others the pupils have to buy them, and in a few the State buys them and rents them to the pupils for a nominal sum. What do you consider the merits and demerits of each of the systems?

6. Has your school a good library of reference books, such as dictionaries, encyclopædias, and atlases? Has your Board of Trustees or your Civic League ever been requested to procure these student utensils?

7. Is there not some philanthropist in your county who would give $50,000 to build a county library as a lasting monument to himself if he were only impressed with the need of it? If a $50,000 library were offered, do you think your county would sustain it? Each school in the county could be a branch library for getting the books into the hands of pupils and patrons.

8. Does your school get circulating books from the State library?

9. Virginia schools of higher rank draw from the State treasury annually a sum of money equal to one per cent of the school annuity in addition to the regular annuity. This money is used as a loan fund for deserving scholars, who may receive sums not exceding $100 each for any one session to supplement what they can earn. Upon this loan the students pay 4 per cent interest. The New York State Department of Education awards every year 750 scholarships, each of which entitles the holder to $100 a year for a period of four years. A list of the names of all pupils residing in each county who are entitled to college entrance diplomas is arranged in order of merit and the scholarships are awarded in that order. Five scholarships are awarded each county annually for each assembly district therein. Which of these plans do you think the better?

10. Has your school a baseball diamond? Basket-ball court? Volley-ball court? Tennis court? Plenty of swings? If not, is there not some boy or girl in the school with leadership enough to "start something"?

11. Mr. Edison has prepared moving picture films for use in schools, ranging from "the dog barks" and "the dog runs" or the daily life of a fly for the kindergarten up to illustrations for the department of physics. Can you not interest your Civic League in a moving picture machine for your school?

12. The Board of Education of Brooklyn, New York, adopted a plan to establish penny savings banks in the public schools of that

city. Do you think this was a good thing? Do you think it will tend to induce public school children to be frugal and thrifty?

13. In many schools it is customary for either the class in government or the graduating class of high schools to take a trip to Washington to see Congress in session and visit the various departments, the Library of Congress, Mt. Vernon, and other places of interest. The cost is usually defrayed by a class entertainment. The other three classes assist with the entertainment as they, too, look forward to the trip. Could the graduates of the several high schools in your county arrange to take this trip together?

14. Could your city give a summer course in toy-making? The toys could be made and sold by the boys and girls and in this way they would get a practical idea of the manufacturing business.

15. Every child in Wisconsin between fourteen and sixteen years of age who, under a special permit, enters upon some useful employment, must go to an industrial, commercial, or evening school for five hours each week. The employer continues the wages during these hours, the attendance upon school being for such hours and at such places as the local Board of Education prescribes. What is the importance of this Wisconsin law? Should your State have a similar one?

16. The University of Wisconsin can tell a farmer the best way to blast and pull stumps. This university receives liberal support from the State. Is your State university so practical as this?

17. "At a public meeting called to discuss school taxes the following argument is advanced in an effort to reduce school taxes: (*a*) The State and local governments are overburdened with school charges, — 'schooling' is a matter for those who can afford it, — let every one take as much as he can pay for in private institutions; (*b*) there are too many 'fads' in education. Let every one be given the good old-fashioned 'three R's' without the many additional 'trimmings' that have been loaded on to our school system, — if the old system were maintained, school expenses would be materially reduced. What would be your attitude toward each of these arguments and how would you express it?" — *The New American Government and Its Work*, by James T. Young.

18. Dean Lord of Boston University, College of Business Administration, found the average maximum income of the untrained man to be $1200, high school graduate $2200, and college graduate $6000. The total earnings of each group up to the age of sixty are $45,000, $78,000, and $150,000 respectively. The untrained man at the age of fifty begins to drop towards dependence, while the college man reaches his maximum capacity at sixty. What is the value of a college education?

CHAPTER XXIX

SOCIAL LEGISLATION

265. Introduction. — There are numerous organizations [1] promoting legislation for various social reforms, but there are three problems that deserve special attention because they have been subjects of much recent legislation. These are (1) care of mental defectives, (2) regulation of liquor traffic, and (3) conservation of health.

266. Care of Mental Defectives. — Mental defectives who are classed as insane and confined to hospitals for the insane should be distinguished from feeble-minded persons, or those who are unable to compete on equal terms with their normal fellows. While insanity is a disease which is often cured, feeble-mindedness seems to be a permanent condition which cannot be cured.

Insane in Hospitals. — In 1880 only 40,000 persons, or 81 for each 100,000 of population, were supported by the States in institutions for the insane. In 1923, the latest census issued, 390,457 persons were reported in hospitals for the insane, or 363 for each 100,000 of population. Insanity has not increased to so great an extent as these figures would indicate, because a larger proportion of insane persons were cared for in institutions in 1923 than in 1880, but the real increase of

[1] Some of the more important of these organizations are: Anti-Saloon League of America, Woman's Christian Temperance Union, World's Purity Federation, International Reform Bureau, American Civic Association, National Committee for Mental Hygiene, National Reform Association, National Probation Association, League for World Peace, Carnegie Endowment for International Peace, American Peace and Arbitration League, American Peace Society.

Those desiring literature from these organizations may obtain the address of the secretary from the World Almanac or some similar year-book.

insanity is great, and the prevention of insanity and treatment of insane persons is one of our greatest problems.

The Feeble-Minded. — Feeble-mindedness is a state of mental defect, existing from birth or from an early age, rendering persons thus affected incapable of performing their duties as members of society in the position of life to which they are born. A feeble-minded person whose mental age does not surpass two years is known as an *idiot;* one whose mental age is between three and seven years is called an *imbecile;* and one whose mental age is between seven and twelve is technically known as a *moron.*

The education of imbeciles and morons should be apart from other children. They do not develop initiative, and have weak will power, but can be taught to lead a useful life within an institution and they can be happiest there because occupied at such tasks as they can perform.

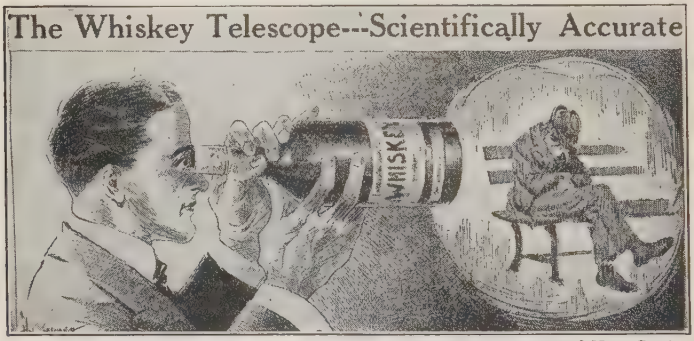
In 1923, nearly 50,000 feeble-minded persons were in special institutions, about 13,000 in almshouses, and several hundred thousand at large. The greater portion of these are morons and could be nearly self-supporting in institutions, and much happier there among others of their kind than at large.

It is surprising that more than two thirds of the States permit the marriage of feeble-minded persons. Such persons usually have large families, and the increased proportion of feeble-minded persons will not only injure our race but will contribute a large proportion of our criminals, paupers, and drunkards; hence all States should have rigid laws to prevent the marriage of feeble-minded persons.

267. Abolition of the Saloon. — *The License System.* — Before the Civil War liquor was sold at grocery stores at about the same price that is now paid for cider. From the time of the Civil War until the adoption of National prohibition the United States government imposed a tax on liquor ranging as high as several dollars a gallon. In addition to this Federal tax on liquor, the United States, the States, and the cities each imposed

a license tax ranging from $25 to more than $1000 upon every saloon.

The license system lessened the number of saloons and the amount of liquor sold, and produced revenue for the National, State, and city governments. But the license system made the government a partner in the evils of the traffic and gave a certain respectability to the liquor business. Moreover, the high license tended to put saloons into the hands of a few wealthy men who used their money to secure the election of public officials that were favorable to the liquor business, thus having



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a corrupting influence upon the National, State, and city officials.

The Dispensary System. — Under the dispensary plan the government had a monopoly of the liquor business, and all liquor was sold in original packages by local dispensers. For a few years the State of South Carolina purchased all liquor sold in the State, put it in bottles in Columbia, and sold it at State dispensaries in the towns and cities of the State. The dispensaries were open only in daytime, no liquor could be drunk on the premises, and the profit went to the State.

This system was an improvement over ordinary saloons, but corruption found its way to those in charge of the system; and though many of the evils of the open saloon were checked,

the evils of liquor continued. The legislature abolished the State dispensary and permitted each county to vote whether it would have a county dispensary or county prohibition. In 1915, when the State adopted State-wide prohibition, twenty-nine counties were already in the dry column and only fifteen had county dispensaries. In a few other States cities or towns were permitted to have dispensaries.

Local Option. — By local option was meant the right of the people within a certain locality to decide by election whether or not they would permit the sale of liquor within the local area. The area within which the people could vote varied from State to State. It was the county, township, town (village), or city, or even wards of a city.

Before the sentiment against saloons became strong in cities, local option usually applied to townships, towns, and villages, the " drys " hoping to carry elections in the rural townships and towns. If the " drys " succeeded at this, they urged the State legislature to permit county option instead of township option, expecting the voters of the county outside of the city to cast enough votes to overcome the " wet " votes of the city.

State-wide Prohibition. — State-wide prohibition meant the prohibition of the sale of liquor anywhere within the State unless it was at certain drug stores, where it was sold for medical purposes under strict safeguards. The majority of States had State-wide prohibition when National prohibition was adopted.

Nation-wide Prohibition. — In January, 1919, the eighteenth amendment to the Constitution of the United States was ratified. It provides that the manufacture, sale, or transportation of intoxicating liquors [1] within, the importation thereof into, or the exportation thereof from the United States and all territory subject to the jurisdiction thereof, for beverage purposes, is prohibited. It further provides that Congress and the several

[1] Intoxicating liquor is by the Volstead Act of Congress defined as a beverage containing as much as one half of one per cent of alcohol.

States shall have concurrent power to enforce the amendment by appropriate legislation.

Congress passed an act which became effective the same day that the eighteenth amendment became effective, providing that " no person shall manufacture, sell, barter, transport, import, export, deliver, furnish or possess any intoxicating liquor except as authorized in this Act." Provision was made by this Act for the use of alcohol for medical, industrial, and sacramental purposes if State laws permit. The President was authorized to appoint a prohibition commission for the enforcement of National prohibition.

Any person who is injured in person, property, means of support, or otherwise by an intoxicated person, has an action for damages against any person who sold or assisted in securing the liquor.

Any person allowing a room or a vehicle to be used in the violation of the prohibition law is liable for the fine imposed upon the person violating this law.

If a place has been used for the violation of the law by any one, a judge may order the owner to keep the place closed for one year.

If a judge finds that a person is soliciting orders for intoxicating liquors he may forbid its continuance by injunction. Its continuance is therefore in contempt of court and the guilty person may be convicted without trial by jury.

When an officer of the law discovers any person in the act of transporting, in violation of the law, intoxicating liquor in an automobile, water or air craft, or other vehicle, he should seize the conveyance that it may be sold. From the proceeds an officer pays the fee for the seizure, cost of the sale, then liens, if any, and turns the rest over to the Treasury of the United States.

An officer must not search a private dwelling without a search warrant, but at sight may search vehicles or luggage upon reasonable suspicion — *e.g.*, reputation as a bootlegger.

Under their concurrent power nearly all States have prohibition laws, and these laws may be more drastic than Federal laws. For example, many States have " bone dry " laws which forbid the sale of liquor even for medical purposes. A State may provide the same, or similar, penalties as the National government; and States commonly allow city councils to enact laws against the liquor traffic and drunkenness. Thus the United States law, perhaps the State law, and perhaps the city ordinance all provide for the forfeiture of an automobile caught in the transportation of liquor.

In brief, one who violates a liquor law may have committed three offences by the same act — one against the city ordinance, one against the State law, and one against the Federal law; and he may be punished three times. If an automobile is seized by a Federal officer, it is forfeited to the United States; if seized by an officer of a State whose laws provide for its forfeiture, it is forfeited to the State; if by an officer of a city whose ordinances provide for its forfeiture, it is forfeited to the city.

A person who violated the liquor law and was punished by both a State and the United States claimed that the United States Constitution forbids one being tried twice for the same offence. The Supreme Court decided against this contention. Amendment V, which provides that no person shall be subject, for the same offence, to be twice put in jeopardy, restricts only the Federal government. (See Sec. 129.) The Court showed that if a person prosecuted by the State should thereby become immune from prosecution by the Federal government, violators of the liquor law would learn of a lenient local justice and whenever pursued would flee to such justice for a $5 fine so that the United States courts might not impose a $1000 fine.

In 1926 President Coolidge authorized the appointment of state, county, or city police as federal prohibition officers in order to bring about better coöperation and to permit local officers to ignore city, county, and State lines.

Illegal Importation from Foreign Countries. — Legally im-

ported liquor must pay a tariff duty; therefore smuggling liquor violates tariff, prohibition, and probably State laws.

Our tariff law forbids the unloading of cargoes, without permission, within 12 miles of the shore. Though international law recognizes jurisdiction over alien vessels only within a three-mile limit, self-preservation seems to justify this law.

By a treaty of 1924 Great Britain agrees that vessels flying the British flag may be searched within one hour's sail of our

SEND ME OVER A COUPLE OF CASES OF SCOTCH -
CERTAINLY - WE ARE JUST ARRANGING FOR SOME HIGH-GRADE STUFF RIGHT NOW - THANK YOU!
PERJURY AND BRIBERY
BANDITRY
MR. RESPECTABLE CITIZEN
BOOTLEGGER & CO.
MURDER
Herbert Johnson

By Special Permission of Saturday Evening Post. © 1926 by Curtis Pub. Co.

"SERVICE."

shores on reasonable cause for suspicion that they are carrying contraband liquor intended for consumption in the United States. If the liquor is intended to be conveyed to shore by a vessel other than the one searched, it is the speed of the former that determines the distance from shore that a British vessel may be searched and seized. In exchange for this privilege to search British vessels beyond our three-mile limit, we extend to them the right to bring liquors listed as sea stores or cargo destined for a foreign port into our territorial waters provided they

are kept under seal continuously while the vessel is within our territorial waters. Canada and other countries have signed treaties like this one, and all countries are invited to do so.

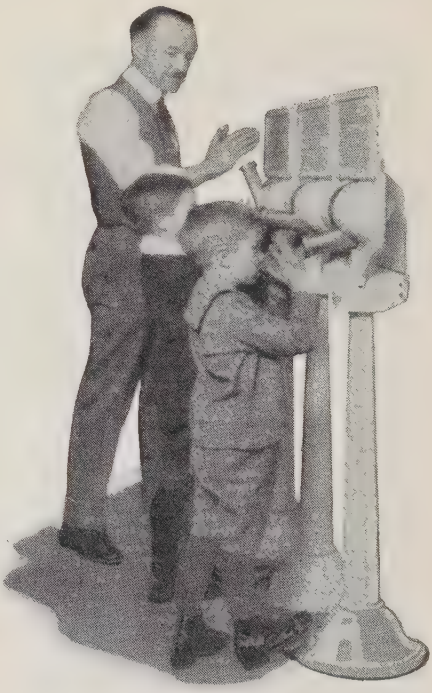
268. Conservation of Health. — When people believed that disease was a "humor" in the blood they waited until the malady appeared and cured it with medicines — or at least tried to cure it. But now that we know most of our prevalent diseases to be caused by bacilli (germs), we know it is possible to prevent them if the bacilli are kept from our systems.

THE UNSANITARY ROLLER TOWEL.
The Old Way.

For instance, if the parasites causing the hookworm disease had been understood in the United States before Doctor Stiles of the United States Public Health Service identified them in 1902 and not allowed to spread, the millions of victims of the disease would have escaped. Fortunately this disease can now be easily prevented or cured, and State and county health boards are coöperating with public schools to eradicate it. Again, if we have the water and milk free from typhoid bacilli, and screen against the flies which carry these germs, we are not likely to contract typhoid fever. But individuals living in cities, especially, cannot know whether the water and milk supplies

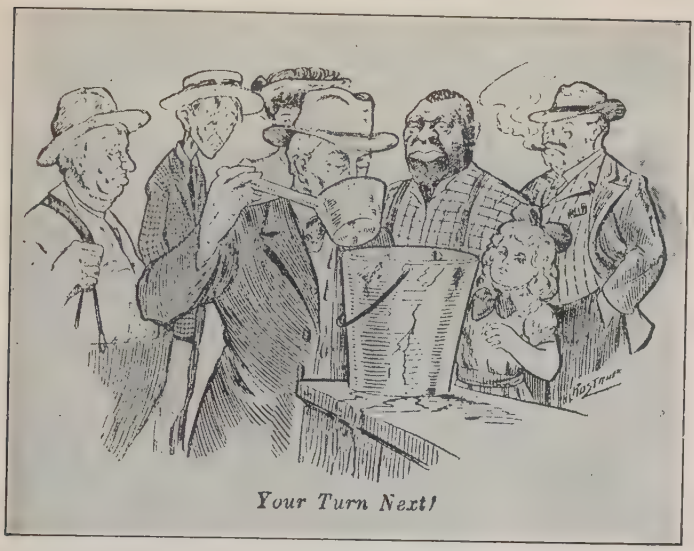
are pure or whether the hotels are sanitary. The State and cities must have officers to inspect the milk supply, water supply, food supplies, hotels, and restaurants. Whereas in the past it has been the duty of the family physician to *cure* diseases, in the future it should be the duty of the public medical official to *prevent* diseases by proper sanitary precautions.

States and cities should maintain laboratories for the examination of water, milk, and other foods; should have an annual examination of school children and even of adults; should regulate vaccination; should inspect meat shops, soda fountains, hotels, tenements, factories, and the premises of residences; should disinfect places where contagious diseases have existed; should establish and maintain pest-houses, sanatoriums for consumptives, and recreation grounds for all persons.



AIRDRY ELECTRIC TOWEL
The New Way.

Citizens were at one time slow to realize that it is cheaper to pay taxes for the prevention of disease than to pay doctors' bills and hospital bills for their cure. A few people can buy milk from the high price dairymen, buy spring water, screen



THE UNSANITARY DIPPER.

premises, and go to great expense to protect themselves; but most people cannot afford such protection, and therefore contract diseases, menacing the health of all.

Sanitation to be of any great value must be practiced throughout the city. When Preston was Mayor of Baltimore he waged a war on the mosquito. Inspectors were employed to go from house to house to locate places where mosquitoes might breed. Behold, in the Mayor's own yard was found a jar containing water in which mosquitoes could multiply. He paid his fine cheerfully, but the incident goes to show

Eljer Co.

SANITARY DRINKING FOUNTAIN.

that the sanitation of a city, or State, cannot be left to individuals. It is too natural for one to be a bit negligent — to forget.

Recreation Grounds, Worcester, Massachusetts.

A Playground on the Roof of a New York City School.

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Questions on the Text

1. What is meant by "social reforms" as used in this chapter?
2. How are the States taking care of their insane?
3. What do the States do for their feeble-minded persons? What three kinds of feeble-minded persons are there?
4. Do most States permit weak-minded persons to marry? Should they?
5. Explain how liquor was taxed under the license system?
6. Describe the government dispensary plan for conducting the liquor business. Did it prove a success?
7. Explain what was meant by *local option* in relation to the liquor problem.
8. What is meant by State-wide prohibition? How many States adopted it?
9. What is provided by the United States prohibition law? How is this law enforced?
10. How has the theory as to the causes of disease changed in recent years?
11. How does the State protect the health of its citizens? How do cities?
12. Under present conditions could the spread of disease be prevented without the aid of government?

Questions for Discussion

1. The united charities associations of many cities have a card index of all deserving and all undeserving poor or street beggars. Any individual can obtain a little folder containing letters of introduction to the association; and if he gives such a letter to a beggar, he knows that the latter will be cared for by the association. Should you give what you have for charities to the unknown beggars or to the association? Is there a State or local officer to whom you can refer beggars for help and employment?

2. Doctor Carl Kelsey has grouped the causes of poverty into three main classes:

1. *Environmental:*
   - *a.* Adverse physical environment: polar regions, tropics, deserts, swamps.
   - *b.* Disasters: flood, earthquake, fire, famine.
2. *Personal:*
   - *a.* Physical defects: feeble-mindedness, insanity, blindness.
   - *b.* Moral defects: dishonesty, laziness, shiftlessness, etc.
   - *c.* Intemperance.
   - *d.* Licentiousness.
   - *e.* Sickness.
   - *f.* Accident.
3. *Social:*
   - *a.* Industrial changes affecting the worker: changes of location of trade, inventions, strikes.
   - *b.* Exploitation.
   - *c.* Race prejudice.
   - *d.* Sickness, death, desertion, crime of natural supporter.
   - *e.* Defective sanitation.
   - *f.* Defective educational system.
   - *g.* Bad social environment.
   - *h.* War.
   - *i.* Unwise philanthropy.

What are the chief causes of poverty in your immediate neighborhood? Which of these numerous causes enumerated are secondary to some primary trait of character or habit: for instance, lack of foresight and frugality? Drunkenness? Lack of religious or moral training?

3. Why is it unwise for a child to have much money to spend?

4. Is your State penitentiary primarily a place to detain criminals or a place to reform them? Which should it be?

5. Warden P. E. Thomas has established a "home rule" system among prisoners of the Ohio prison. Seven men have been selected from various sections of the prison to act as the prison council and meet with the warden every Monday morning to discuss the affairs of the prison. Their powers are merely advisory. Do you think this warden is helping to solve the criminal problem?

6. The warden of the Colorado State prison has organized a convict band. Do you think he is helping to solve the criminal problem?

7. How many of the conditions mentioned below have you observed?

"Intemperance cuts down youth in its vigor, manhood in its strength,

and age in its weakness. It breaks the father's heart, bereaves the doting mother, extinguishes natural affections, erases conjugal love, blots out filial attachments, blights parental hope, and brings down mourning age in sorrow to the grave. It produces weakness, not strength; sickness, not health; death, not life. It makes wives widows, children orphans, fathers fiends, and all of them paupers and beggars. It feeds rheumatism, nurses gout, welcomes epidemics, invites cholera, imports pestilence, and embraces consumption. It covers the land with idleness, misery, and crime. It fills your jails, supplies your almshouses, and demands your asylums. It engenders controversies, fosters quarrels, and cherishes riots. It crowds your penitentiaries, and furnishes victims to your scaffolds. It is the life-blood of the gambler, the element of the burglar, the prop of the highwayman, and the support of the midnight incendiary. It countenances the liar, respects the thief, esteems the blasphemer. It violates obligations, reverences frauds, and honors infamy. It defames benevolence, hates love, scorns virtue, and slanders innocence. It incites the father to butcher his helpless offspring, and helps the husband to massacre his wife, and the child to grind the parricidal axe. It burns up men, consumes women, detests life, curses God, and despises heaven. It suborns witnesses, nurses perjury, defiles the jury-box, and stains the judicial ermine. It degrades the citizen, debases the legislator, dishonors the statesman, and disarms the patriot. It brings shame, not honor; terror, not safety; despair, not hope; misery, not happiness. And with the malevolence of a fiend, it calmly surveys its frightful desolation, and unsatisfied with its havoc, it poisons felicity, kills peace, ruins morals, blights confidence, slays reputation, and wipes out national honors." — Robert Ingersoll.

"As a former locomotive engineer I would like to know how many opponents to prohibition want to ride on a train with a drinking engineer." — Congressman John G. Cooper of Ohio.

"Only 16 out of 250 Neal and Keeley institutes (for the treatment of inebriates) remain." — William E. ("Pussyfoot") Johnson.

"I estimate that prohibition saves this country $6,000,000,000 annually in increased efficiency, and if enforcement cost a billion dollars a year it would be worth it." — Professor Irving Fisher, Yale Economist.

"Last year England spent £316,000,000 on alcoholic liquors." (This is more than $175.00 per family.) — Lloyd George, Ex-Premier.

"The nations that refuse to take this prohibition step forward in the economy of human resources are definitely choosing to occupy a secondary position in the civilized world." — Professor T. N. Carver, Harvard Economist.

CHAPTER XXX

DEMOCRACY AND CITIZENSHIP

269. Government and Law Indispensable. — Civilization dawned when men learned to live together peaceably and in order under the jurisdiction of government and laws. The darkest chapters in history are those that recount the suffering of men in periods of anarchy such as overwhelmed Europe after the strong arm of Roman law became weakened. Poor government and poor laws are better than no government and no laws.

270. Democracy, the Highest Form of Political Organization. — We believe and rightly so, that democracy represents the highest form of political organization. The monarchic and aristocratic forms of government, however, had their places in the world. They maintained a rule of law which promoted the " life, liberty, and pursuit of happiness " of men during trying times and before the masses had acquired the social intelligence and the experience to embark on the adventure of self-government. Government *for* the people did not originate with democracy. Government *of* and *by* the people are the new principles it introduced.

271. The Advantages of Democracy. — It may be well to examine briefly some of the advantages of democracy.

1. The people are the best guardians of their own liberty and happiness. In a monarchic or aristocratic government there was always a temptation for those responsible for government to put their own interests above the interests of those they governed. Then, too, it was not always easy for even a conscientious ruling class to know exactly where the best interest

of the people lay. They did not suffer from their own acts of misgovernment.

In a democracy this is not true. There is an identity of interest between the governed and the governors. An act of misgovernment will be corrected because it reacts unfavorably upon those responsible for altering it.

2. Democracy improves the individual. The responsibility imposed in a self-governing community stimulates initiative and ambition.

A prerequisite of democratic institutions is a high standard of general social intelligence and morality. Monarchy and aristocracy can get along on a very low standard. Democracy has recognized this fact and has fostered such educative agencies as free public schools, free press, and freedom of speech.

3. Democracy tends toward international peace. Many of the wars of the past were instigated by dynastic ambitions and jealousies. The people's part was to suffer. It has been asserted that there will be no war in the future if the people reserve to themselves absolutely the right to declare war by plebiscite. Some have advocated a popular referendum on war as the surest guarantee of international peace.

272. Our Debt to the Past. — Theodore Roosevelt said that the only safe progressive is the man who can look far into the past. A social institution is like an iceberg with a big proportion of its total volume submerged in the past out of the vision of the casual observer. History reveals the great underlying, stabilizing forces that operate unseen.

American institutions have drawn heavily upon the past. To quote James Bryce, " The American Constitution is no exception to the rule that everything that has the power to win the obedience and respect of men must have its roots deep in the past, and that the more slowly every institution has grown so much the more enduring is it likely to prove. There is little in this constitution that is absolutely new. There is much that is as old as Magna Charta." The indirect method

of electing a president in which the framers of the constitution took great pride, because it was original, worked only once as intended by its authors.

The French Revolutionists created two political systems under the Constitutions of the years I and III based on plausible theories unsupported by precedent. Neither succeeded. Bolshevism in Russia and other parts of Europe is now attempting to build an Utopia through an artificial and untried religious, political, and economic organization.

273. What of the Future of Democracy? — Forms of government have risen, had their day, and passed. Absolute monarchy and feudalism are known only in history. The enlightened world has adopted democracy as the type of political organization best adapted to man's progress and happiness. So far it has fulfilled its mission, maintaining peace and order at home and security from enemies abroad. Science and invention with great material prosperity have followed in its wake. With so fair a past what may the prospect for the future be?

No government can rise higher than its source. In a monarchy that source is a king; in an oligarchy, it is a ruling class; in a democracy, it is the people themselves. The future of democracy rests with the people. The issue will be determined by the quality of their citizenship.

274. Citizenship in a Democracy. — Our citizenship in a democracy carries with it many privileges. It guarantees to us liberty to live our lives without burdensome, arbitrary restrictions. We may speak our thoughts freely, worship as we please, and hold our property free from fear of confiscation or invasion.

The liberty we enjoy, however, is a liberty under law. Like any form of government democracy is dependent upon law and law enforcement for its life. We all pride ourselves on the part we have in the making of the laws under which we live. Are we as ready to accept our responsibility for law enforcement?

There is a difference between obedience to law and respect for law. No government can endure unless there is obedience to law. This must be secured at any cost. Kings and oligarchies gained it through fear of the consequences of disobedience.

Respect for law is deeper than obedience to law. It implies an attitude of mind which comprehends the full significance of law and the relation of each individual to it. It acknowledges, too, a responsibility to observe the law in good faith whether it is approved or not approved. There is a question whether democracy can be as successful as older forms of government in enforcing obedience to law. It should be far more successful in promoting respect for law and out of this should grow an obedience to law much more effective than any slavish compliance based on fear.

Respect for law must be built up in the American people until it becomes a National virtue. If this can be accomplished the success of the experiment which the founders of our nation began and the builders have thus far "so nobly advanced" will be assured. Ready compliance with the requirements of the Selective Service Act during the World War was indicative of progress in comparison with the violent opposition to the draft during the Civil War.

There are some signs not so encouraging. Decisions of the courts, especially of the Supreme Court of the United States, are sometimes met with demands from those who disapprove of their findings that the courts be abolished or shorn of many of their powers. A wave of lawlessness has swept over the country as far as observance of the eighteenth amendment to the constitution is concerned. No matter what the differences of opinion on prohibition are the fact remains that the prohibition amendment was written into the constitution in the regular way by a two-thirds majority vote in Congress and ratification by three fourths of the States. It is law and as long as it is law the duty of an American citizen is to obey it. In

a democracy we have freedom of choice in the making of laws; not in the observance of laws after they are made.

275. President Harding on Law Enforcement. — On his trip to the Pacific Coast and Alaska, which ended with such tragic suddenness in his death at San Francisco on August 2d, 1923, President Harding delivered messages to the American people at various points in his journey on subjects near to his heart. One of his most important addresses was delivered at Denver, Colorado, on the subject of Law Enforcement. President Harding had in mind particularly the enforcement of the prohibition amendment, but his remarks have just as much meaning for all law.

THE LATE PRESIDENT HARDING.

Excerpts from the Denver address are given here because they point the duty of respect for law so clearly and forcibly. The whole message rings with such sincerity and earnestness that one might almost believe it was intended for a farewell address, which, unbeknown to both the speaker and the American people, it proved to be.

"Laws, of course, represent restrictions upon individual liberty, and in these very restrictions make liberty more secure. The individual surrenders something of his privilege to do as he pleases for the common good, and so organized society is possible. It is successful just about in proportion as laws are wise, as they represent deliberate and intelligent public opin-

ion, and as they are obeyed. Civilization had to travel a long way before it came to be commonly accepted that even an unwise law ought to be enforced in orderly fashion, because such enforcement would insure its repeal or modification, also in orderly fashion, if that were found desirable.

"The issue is fast coming to be recognized, not as an issue between wets and drys, not a question between those who believe in prohibition and those who do not, not a contention between those who want to drink and those who do not; is fast being raised above all that, to recognition as an issue of whether the laws of this country can be and will be enforced. So far as the Federal government is concerned, and I am very sure also, so far as concerns the very great majority of the State governments and the local governments, it will be enforced. A gratifying, indeed it may fairly be said an amazing, progress has been made in the last few years toward better enforcement.

"I do not see how any citizen who cherishes the protection of law in organized society may feel himself secure when he himself is the example of contempt for law. Clearly there is call for awakened conscience and awakened realization of true self-interest on the part of the few who will themselves suffer most when reverence for law is forgotten and passion is expressed in destructive lawlessness. Ours must be a law-abiding republic, and reverence and obedience must spring from the influential and the leaders among men, as well as obedience from the humbler citizen, else the temple will collapse."

276. President Coolidge on Law and Order. — In this connection, it is interesting to note that President Coolidge, who was overwhelmingly elected in November, 1924, with General Charles G. Dawes as candidate for Vice-President, first came into national prominence through his watchword "Law and Order" and his insistence upon law enforcement at the time of the Boston police strike in 1919. The President's campaign managers successfully capitalized this record, taxing their opponents with radicalism.

OLD PERSONAL LIBERTY AND THE PRICE OF NEW CIVIL LIBERTY

PERMITTED YOU TO		FREES YOU
remain ignorant.	Compulsory education	from superstitious fear.
go as fast as you could through mud-holes and rocks.	Traffic regulations	from speed maniacs on smooth-paved roads.
spend as much as you chose to be elected to office.	Corrupt practices acts	to run for office without wealth.
issue railroad passes to legislators, newspaper men, etc.	Statutes forbidding or limiting free passes	to ride without paying another's fare.
monopolize an industry.	Anti-Trust laws	to buy at competitive prices.
own a slave or work an orphan 14 hours a day.	13th Amendment and labor laws	from slavery or slave-like conditions.
sell milk from tubercular cows.	Compulsory killing of such cows	from tuberculosis.
expose yourself to microbes.	Compulsory vaccination	from microbe enemies as cruel as Apache Indians.
expose others to microbes.	Compulsory quarantine	
rent microbe-infested rooms.	Compulsory fumigation	
buy habit-forming drugs.	Narcotic prohibitions	from the coils of pythons.
drink anything that pleases sensations.	Alcoholic prohibitions	from chains of expensive habit; or from delirium tremens.
die. In 1900 16% died under 1 year of age.	Law observance	to live. Now only 8% die under 1 year.

277. Crime: Causes and Proposed Remedies. — William J. Burns estimates the financial loss in the United States from criminal dishonesty to be nearly $4,000,000,000 annually, and some authorities place the direct and indirect cost of crimes of all kinds as high as $10,000,000,000. In the United States there are nearly 10,000 homicides annually, whereas in England and Wales there are only about 150.

The crime tide has been swelling in the United States since the beginning of this century, and the following causes and proposed remedies deserve careful attention.

Inadequate Religious Training. — President Coolidge recently said: "I can conceive of no adequate remedy for the evils which beset society except through the influence of religion." Let us revive the religious character of the Sabbath; give adequate support in time and money to religious institutions, including week-day religious schools supported by each sect near the public school; and select public school teachers who will stimulate the young to right conduct.

Breaking Down of the Home. — R. W. Child, author and diplomat, discovered that in three correctional institutions investigated 80% of the boy and girl inmates came from split homes. He said, "Bedrooms of some homes are used, but the sitting-room and library, and sometimes the dining-room too, wouldn't be missed. We used to have a motto: 'God bless our home'; now it's 'Let's go!'" Let us reduce the causes of divorces, encourage suburban homes by cheap rapid transportation, and encourage capital to invest in attractive inexpensive homes for sale on easy terms.

Antiquated Criminal Laws and Administration. — Let us bring about the reforms advocated by the National Crime Commission. See page 333.

Economic Necessity. — Benjamin Franklin said, "It is difficult for an empty bag to stand upright." Let us encourage an incentive-producing system of profit sharing, workmen's compensation, widows' pensions, etc.

You CANT win!
You have to get ALL the Breaks ~ One little slip means Sing Sing
You CANT win!
13,000 Police are sworn to "get" you ~ alive or DEAD!
You CANT Win!
You CANT Win!
Crooks today get the LIMIT of the LAW!
You CANT win!
Every crook is constantly in the Shadow of the LAW!
You CANT win!
Ships dont sail beyond the Arm of the LAW!
You CANT win!
and they LOSE!
You CANT win!
You CANT win!
The cleverest stick up in N.Y. Police History is now OLD and BROKEN with 20 years yet to serve in Sing Sing

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POSTERS USED IN NEW YORK BY BARRON COLLIER, DEPUTY POLICE COMMISSIONER, TO TURN YOUTHS FROM A CAREER OF CRIME.

Indiscriminate Sale of Pistols and Cartridges. — An American Bar Association committee reports that 90% of the murders in the United States are committed with pistols. Let us forbid carrying concealed weapons without a license; increase the penalty for crimes committed by persons carrying a weapon; keep a record of all pistols sold; and impose a penalty for carrying a weapon with the identification mark changed or obliterated.

Excessive Immigration. — Immigrants come with different religious, moral, and political traditions, and the intermingling of these traditions causes friction. Mr. Child took 125 persons accused of murder or manslaughter at random from five cities, and all but 33 were foreign born or children of foreign born parents. Of the 33 native Americans 13 were negroes. Let us have a restricted selective immigration, and grant citizenship on condition of good behavior.

The Long Ballot. — A recent Chicago ballot contained about 400 names. Criminals have more time to work for the election of friends than honest working people. Let us have more appointive officials chosen for longer terms and separate elections for local, state, and national officials.

Literature of Discontent. — Mr. Child says, "This literature of discontent depicts enslaved souls who break their bonds of drudgery, jump all moral fences, and land in that proverbial next pasture which always looks greener to the jackass." Let public schools and public libraries taboo this type of novel.

Moving Pictures Suggesting Improper Adventure. — Judge G. W. Martin of Brooklyn said, "Many of these pictures glorify crime or depict the rotten trail of sensuality. It is sought to justify their exhibition on the explanation that they point a moral. As sensible would it be to drag a child through fire to teach him about heat." Obscene literature is excluded from the mails, and improper pictures should be censored and kept from the screens.

Crime Trusts. — In 1914 a committee of the Chicago City Council reported that the greater part of stealing was done by

organized thieves, a "Crime Trust" with roots extending through the police force, the Bar, the public prosecutor's office, bondsmen, and political officials. Let us have unofficial national, State, and local crime commissions backed by service clubs, churches, insurance companies, etc., to keep the spotlight on crooks and corrupt officials; also official identification bureaus to trail criminals.

Tempting Opportunities. — Let us keep movables under lock and valuables under guard; and always transfer valuables with the greatest secrecy.

Mental Defects or Inferiority. — Insane people, kleptomaniacs, and morons unable to compete under complex urban conditions commit crimes. We should endeavor to remove the causes of insanity, apply the laws of eugenics, and salvage as many prisoners as possible. The criminologist would have all prisoners brought to a receiving station and assign the feeble-minded to one institution, the insane to another, those with curable disorders to another, those with normal minds to a trade-school institution, and the aged to a farm institution.

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Questions on the Text

1. When did civilization dawn?
2. Did government for the people originate with democracy?
3. What are the advantages of democracy?
4. Why do most people not see the trend of social institutions?
5. Upon what does the future of democracy depend?
6. In a democracy, if it is to last, have people a freedom in the observance of laws?
7. Explain the price we must pay to pass from the old personal liberty to the new civil liberty.

READY~
Your Safety is the chief concern of
YOUR New York Police
READY~
to guard your children as they would their own~ Your New York Police
READY~
to uphold Your Laws~ New York Police
READY~
to risk their lives for you and yours~ 'all in the day's work' of Your New York Police
READY~
YOUR New York Police are first aid specialists
READY~
on duty or off~ Your New York Police are always ready for service
READY~
Between You and Danger~ YOUR New York Police
READY~
every second at the other end of your telephone to answer your calls and ACT/ Call Your New York Police~ Spring 3100
READY~
~neither rain, sleet nor biting winds can swerve them from the path of duty~ Your New York Police

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POSTERS USED IN NEW YORK BY BARRON COLLIER, DEPUTY POLICE COMMISSIONER: APPRECIATION FOR THE SERVICES OF POLICEMEN.

8. What is the cost of crime in the United States? How many homicides are committed annually? Since when has crime increased?

9. What are the causes of crime in the United States? The remedies?

Questions for Discussion

1. In 1913 the Interstate Commerce Commission found a small railroad issuing 22,255 passes, of which 16,580 went to legislators and other public officials and 1310 to newspaper men. Is this anybody's business? Why?

2. Is it anybody's business how much money I spend in running for office if I spend it honestly?

3. State your reasons for agreeing or disagreeing with the following statements regarding crime:

"It is the duty of our citizens to give effective aid to the forces of law. The reluctance to give information, to volunteer testimony, to give unflinching service as witnesses in criminal trials, and to accept and fulfill service as jurymen has done no end of damage to the effectiveness of our law enforcement."

"Some Americans have a feeling that criminals should not be discovered by secret service methods. Why not? Does one condemn an army officer for using strategy? Wouldn't the American public be dunces to allow organized crooks to outwit them?"

"A criminal who was about to be caught in a bank robbery knew that under the circumstances the legal penalty was life imprisonment. The State did not have capital punishment, therefore he deliberately took the chance to get away by killing. For a habitual criminal the penalty acts as a price tag on crime. Even a moron can read it."

"Sob sisters and sob brothers are brides and bridegrooms of crime, for in lamenting the criminals they are the aides and abettors of crime. I would ask the sentimental sympathizers with willful criminals — especially murderers — to go weep in the cemeteries where the victims lie instead of in jail. But all punishment is relative. No one likes capital punishment any more than he likes a surgical operation, but when, as in Chicago, six policemen die for every murderer hanged, the relativity needs some Einstein to adjust it. In Great Britain, where there is prompt and drastic punishment, crime is deterred, and they do not bury lawbreakers in silver coffins either."

"Our life prisoners should be exiled to a distant island as is done by certain European countries."

"Discovery of abnormality in a man is not a reason for shortening

his sentence or letting him go; it is an additional reason for committing him for safe keeping."

"Psychopathic research to date seems to have arrived merely at diagnosis; until it finds remedies, other methods of discouraging crime must be used."

"The use of aircraft in the commission of any crime should make it a felony."

4. Judge Talley pointed out that movie and theatrical productions before they reach Broadway are shown the prisoners at Sing Sing; that they have a theatre; that they enjoy professional baseball games on Saturday and Sunday; and that they work on an average of only three and a half hours a day. Do you consider this practice calculated to reduce crime?

5. Would it be just to hold parents responsible for the crimes committed by young people of high school age?

6. It is said that one criminal lawyer, famous as an adroit defender, has saved no less than 103 defendants from the gallows and the chair. Do you consider that he has performed a service or a disservice for society?

7. If an attempt were made to exhibit in this country a bullfight as it is known in Spain or Mexico, ought the authorities to interfere?

8. A great industrial leader sits in his limousine on his way to his country estate condemning lawbreakers, but his limousine is running ten miles an hour faster than the law allows. An anarchist complains that capitalists are selfish exploiters of labor who violate the corrupt practices acts to dominate the government, so he assassinates a few of the leaders. The bootlegger complains that the hijackers are a lot of cutthroats, but he violates the Volstead Act. The merchant complains that he cannot get honest clerks, but he does not report all of his intangible property for taxation. By what method only can we hope to enjoy and perpetuate the benefits of the law? If I think a certain law is unwise what rights have I to help bring about its repeal?

APPENDIX I

CONSTITUTION OF THE UNITED STATES
(ANNOTATED)

PREAMBLE[1]

WE, the people of the United States, in order to form a more perfect Union, establish justice, insure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

ARTICLE I

LEGISLATIVE DEPARTMENT

Section 1. Two Houses

1. All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

Section 2. House of Representatives

1. The House of Representatives shall be composed of members chosen every second year by the people of the several states, and the electors in each state shall have the qualifications requisite for electors of the most numerous branch of the state legislature.[2]

2. No person shall be a Representative who shall not have attained to the age of twenty-five years, and been seven years a citizen of the

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[1] The Preamble is an introduction to the main subject, but is no part of it. It grants no powers, but assists in interpreting the various clauses that follow by indicating the intentions of the framers of the Constitution.

[2] "Electors" means voters.

United States, and who shall not, when elected, be an inhabitant of that state in which he shall be chosen.[3]

3. Representatives and direct taxes shall be apportioned among the several states which may be included within this Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, *three-fifths of all other persons.*[4] The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of Representatives shall not exceed one for every thirty thousand, but each state shall have at least one Representative; and, until such enumeration shall be made, the state of New Hampshire shall be entitled to choose three, Massachusetts eight, Rhode Island and Providence Plantations one, Connecticut five, New York six, New Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South Carolina five, and Georgia three.

4. When vacancies happen in the representation from any state, the executive authority thereof shall issue writs of election to fill such vacancies.

5. The House of Representatives shall choose their Speaker and other officers; and shall have the sole power of impeachment.

Section 3. Senate

1. The Senate of the United States shall be composed of two Senators from each state [chosen by the legislature thereof][5] for six years; and each Senator shall have one vote.

2. Immediately after they shall be assembled in consequence of the first election, they shall be divided, as equally as may be, into three classes. The seats of the senators of the first class shall be vacated at the expiration of the second year; of the second class, at the expiration of the fourth year; and of the third class, at the expiration of the sixth year; so that one-third may be chosen every

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[3] The first woman representative, Miss Rankin, was elected from Montana in 1916.

[4] The clause in italics is superseded by the Thirteenth and Fourteenth Amendments.

[5] See Seventeenth Amendment.

second year; [and if vacancies happen by resignation, or otherwise, during the recess of the legislature of any state, the executive thereof may make temporary appointments until the next meeting of the legislature, which shall then fill such vacancies.][5]

3. No person shall be a Senator who shall not have attained to the age of thirty years, and been nine years a citizen of the United States, who shall not, when elected, be an inhabitant of that state for which he shall be chosen.

4. The Vice-President of the United States shall be President of the Senate, but shall have no vote, unless they be equally divided.

5. The Senate shall choose their other officers, and also a President *pro tempore*, in the absence of the Vice-President, or when he shall exercise the office of President of the United States.

6. The Senate shall have the sole power to try all impeachments. When sitting for that purpose, they shall be on oath or affirmation. When the President of the United States is tried, the Chief Justice shall preside; and no person shall be convicted without the concurrence of two-thirds of the members present.[6]

7. Judgment in cases of impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust, or profit, under the United States; but the party convicted shall, nevertheless, be liable and subject to indictment, trial, judgment, and punishment, according to law.

Section 4. Elections and Meetings of Congress

1. The times, places, and manner, of holding elections for Senators and Representatives, shall be prescribed in each state by the legislature thereof: but the Congress may at any time, by law, make or alter such regulations, except as to the places of choosing Senators.[7]

2. The Congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.

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[6] "Two thirds of the members present" must be at least two thirds of a quorum. There are now 96 senators; 49 is a quorum, hence 33 could convict.

[7] In 1842 Congress provided that representatives should be elected from districts. In 1872 Congress provided that representatives should be elected on the Tuesday after the first Monday in November of every even year. Maine, the only exception to this rule, elects in the late summer, and its election is viewed as a political barometer.

Section 5. Powers and Duties of the Houses

1. Each House shall be the judge of the elections, returns, and qualifications of its own members,[8] and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner, and under such penalties, as each House may provide.

2. Each House may determine the rules of the proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a member.

3. Each House shall keep a journal of its proceedings, and, from time to time, publish the same, excepting such parts as may, in their judgment, require secrecy; and the yeas and nays of the members of either House, on any question, shall, at the desire of one-fifth of those present, be entered on the journal.

4. Neither House, during the session of Congress, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two Houses shall be sitting.

Section 6. Privileges of and Prohibitions upon Members

1. The Senators and Representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the treasury of the United States. They shall, in all cases, except treason, felony, and breach of the peace,[9] be privileged from arrest during their attendance at the session of their respective Houses, and in going to, and returning from, the same; and for any speech or debate in either House, they shall not be questioned in any other place.[10]

2. No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments

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[8] This provision permits either House to exclude a member-elect by a majority vote. See sections 35 and 36 of the text.

[9] *Treason* is defined in Art. 3, Sec. 3.

Felony is defined is section 183 of the text.

Breach of the peace means any indictable offence less than treason or felony; hence the exemption from arrest is now of little importance.

[10] The privilege of speech or debate does not extend to the outside publication of libelous matter spoken in Congress.

whereof shall have been increased during such time;[11] and no person, holding any office under the United States, shall be a member of either House during his continuance in office.

Section 7. Revenue Bills: President's Veto

1. All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments as on other bills.

2. Every bill which shall have passed the House of Representatives and the Senate, shall, before it become a law, be presented to the President of the United States; if he approve, he shall sign it, but if not, he shall return it, with his objections, to that House in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it.[12] If, after such reconsideration, two-thirds of that House shall agree to pass the bill, it shall be sent, together with the objections, to the other House, by which it shall likewise be reconsidered, and, if approved by two-thirds of that House, it shall become a law. But in all such cases the votes of both Houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journal of each House respectively. If any bill shall not be returned by the President within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the Congress, by their adjournment, prevent its return, in which case it shall not be a law.

3. Every order, resolution,[13] or vote, to which the concurrence of

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[11] After President Taft had selected Senator Knox to be Secretary of State it was discovered that during the latter's term as senator the salaries of cabinet officers had been increased. The objection was removed by an act of Congress reducing the salary of the Secretary of State to its former figure.

[12] Particular items of bills cannot be vetoed by the President, which fact is very unfortunate.

[13] "Every . . . resolution . . . to which the concurrence of the Senate and the House of Representatives may be necessary," means every resolution which has the effect and force of law. There are two kinds of resolution, "joint" and "concurrent."

A joint resolution is, in general, the same as a bill with the exception of the different wording of the enacting clause; hence must be signed by the President, except that an amendment to the Constitution is proposed by a joint resolution which need not be signed by the President because it has not the effect of law; it is merely a proposal of a law to the States.

the Senate and House of Representatives may be necessary (except on a question of adjournment), shall be presented to the President of the United States; and before the same shall take effect, shall be approved by him, or, being disapproved by him, shall be repassed by two-thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill.

Section 8. Legislative Powers of Congress

The Congress shall have power:

1. To lay and collect taxes, duties, imposts, and excises,[14] to pay the debts, and provide for the common defence and general welfare, of the United States; but all duties, imposts, and excises, shall be uniform throughout the United States:

2. To borrow money on the credit of the United States:

3. To regulate commerce with foreign nations, and among the several states, and with the Indian tribes:

4. To establish a uniform rule of naturalization, and uniform laws on the subject of bankruptcies,[15] throughout the United States:

5. To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures:

6. To provide for the punishment of counterfeiting the securities and current coin of the United States:

A concurrent resolution does not have the effect of law; it is merely an expression of the will of Congress on some particular subject, such as adjournment beyond three days, or an expression of sympathy, so does not need the approval of the President.

[14] For the meaning of these terms see section 45 of the text.

[15] *Bankruptcy* means the inability of a person to pay all of his debts; but by turning over what property he has to be distributed proportionately among his creditors, he is released from his ordinary debts. Congress has not exercised its power over bankruptcy continuously. The present federal bankruptcy law was passed in 1898. According to this law there is voluntary and involuntary bankruptcy. Any debtor may become a voluntary bankrupt by filing a petition setting forth the fact that he is unable to pay his debts, and that he is willing to surrender all of his property to his creditors. Any person or corporation (except laborers, farmers, and national banks) indebted to the amount of $1000 may be declared an involuntary bankrupt by a federal District Court if he in any way attempts to defraud his creditors, or if he admits, in writing, his inability to pay his debts and willingness to be adjudged a bankrupt.

7. To establish post-offices and post-roads:[16]

8. To promote the progress of science and useful arts,[17] by securing, for limited times, to authors and inventors, the exclusive right to their respective writings and discoveries:

9. To constitute tribunals inferior to the Supreme Court:

10. To define and punish piracies and felonies, committed on the high seas, and offences against the law of nations:

11. To declare war, grant letters of marque and reprisal,[18] and make rules concerning captures on land and water:

12. To raise and support armies; but no appropriation of money to that use shall be for a longer term than two years:

13. To provide and maintain a navy:

14. To make rules for the government and regulation of the land and naval forces:

15. To provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions:

16. To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the states respectively the appointment of the officers, and the authority of training the militia, according to the discipline prescribed by Congress:

17. To exercise exclusive legislation in all cases whatsoever, over such district (not exceeding ten miles square) as may, by cession of particular states, and the acceptance of Congress, become the seat of the government of the United States, and to exercise like authority over all places, purchased by the consent of the legislature of the state in which the same shall be, for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings: — And

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[16] "Post" is the French word *poste* meaning "mail"; and "post-roads" mean mail-routes, such as turnpikes, railroads, rivers, city streets, mountain paths, etc.

[17] This clause refers to copyrights and patents. (See sections 47, 99, and notes to section 120.)

[18] *Marque* is a French word meaning "boundary" "Reprisal" is from the French word *représaille*, which means retaliation. Hence, originally letters of "marque and reprisal" were licenses to cross the boundaries into the enemies' country, and capture or destroy goods. As used here it means a commission authorizing private citizens to fit out vessels (privateers) to capture or destroy in time of war. No privateers were commissioned either during the Civil War or during the Spanish-American War.

18. To make all laws which shall be necessary and proper[19] for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the government of the United States, or in any department or officer thereof.

Section 9. Prohibitions upon the United States

1. The migration or importation of such persons, as any of the states, now existing, shall think proper to admit, shall not be prohibited by the Congress prior to the year one thousand eight hundred and eight; but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person.

2 The privilege of the writ of *habeas corpus*[20] shall not be suspended, unless when, in cases of rebellion or invasion, the public safety may require it.

3. No bill of attainder, or *ex post facto* law,[21] shall be passed.

4. No capitation, or other direct tax, shall be laid, unless in proportion to the *census* or enumeration hereinbefore directed to be taken.[22]

5. No tax or duty shall be laid on articles exported from any state.

6. No preference shall be given by any regulation of commerce or revenue to the ports of one state over those of another; nor shall vessels bound to, or from, one state, be obliged to enter, clear, or pay duties, in another.

7. No money shall be drawn from the treasury, but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

8. No title of nobility shall be granted by the United States; and no person holding any office of profit or trust under them shall, with-

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[19] *Necessary* does not mean absolutely or indispensably necessary, but merely appropriate. This so-called *necessary and proper clause* is also known as the elastic clause, because it has made it possible for the courts to stretch the meaning of other clauses of the Constitution. See section 48 of the text.

[20] A *writ of habeas corpus* is directed by a judge to any person detaining another, demanding that person to produce the body of the person detained in order to determine whether such person is rightfully or wrongfully detained. Such person may be a prisoner in jail, an inmate of an insane asylum, or any person detained contrary to law.

[21] A *bill of attainder* is a legislative act which inflicts punishment without a judicial trial. See Art. I, Sec. 10; see also Art. III, Sec. 3, Cl. 2.

For the meaning of *ex post facto* see section 128 of the text.

[22] See Amendment XVI. Also see section 44 of the text.

out the consent of the Congress, accept of any present, emolument, office, or title, of any kind whatever, from any king, prince, or foreign state.

Section 10. Prohibitions upon the States

1. No state shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal; coin money; emit bills of credit;[23] make anything but gold and silver coin a tender in payment of debts; pass any bill of attainder, *ex post facto* law, or law impairing the obligation of contracts, or grant any title of nobility.

2. No state shall, without the consent of the Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws; and the net produce of all duties and imposts, laid by any state on imports or exports, shall be for the use of the treasury of the United States; and all such laws shall be subject to the revision and control of the Congress. No state shall, without the consent of Congress, lay any duty of tonnage,[24] keep troops, or ships of war, in time of peace, enter into any agreement or compact with another state, or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay.

ARTICLE II

EXECUTIVE DEPARTMENT: THE PRESIDENT AND VICE-PRESIDENT

Section 1. Term: Election: Qualifications: Salary: Oath of Office

1. The Executive power shall be vested in a President of the United States of America. He shall hold his office during the term of four years, and together with the Vice-President, chosen for the same term, be elected as follows:

2. Each state shall appoint, in such manner as the legislature thereof may direct, a number of Electors, equal to the whole number of Senators and Representatives, to which the state may be entitled in

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[23] *Bills of credit* mean paper money.

[24] *Tonnage* is a vessel's internal cubical capacity in tons of one hundred cubic feet each. *Tonnage duties* are duties upon vessels in proportion to their capacity.

the Congress; but no Senator or Representative, or person holding an office of trust or profit, under the United States, shall be appointed an Elector.

3. [The Electors shall meet in their respective states, and vote by ballot for two persons, of whom one, at least, shall not be an inhabitant of the same state with themselves. And they shall make a list of all the persons voted for, and of the number of votes for each; which list they shall sign and certify, and transmit, sealed, to the seat of the Government of the United States, directed to the President of the Senate. The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes shall be the President, if such number be a majority of the whole number of Electors appointed; and if there be more than one, who have such majority, and have an equal number of votes, then the House of Representatives shall immediately choose, by ballot, one of them for President; and if no person have a majority, then, from the five highest on the list, the said House shall, in like manner, choose the President. But in choosing the President, the votes shall be taken by states, the representation from each state having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the states, and a majority of all the states shall be necessary to a choice. In every case, after the choice of the President, the person having the greatest number of votes of the Electors shall be the Vice-President. But if there should remain two or more who have equal votes, the Senate shall choose from them, by ballot, the Vice-President.][25]

4. The Congress may determine the time of choosing the Electors, and the day on which they shall give their votes; which day shall be the same throughout the United States.[26]

5. No person, except a natural-born citizen, or a citizen of the United States at the time of the adoption of this Constitution, shall be eligible to the office of President; neither shall any person be eligible to that office, who shall not have attained to the age of thirty-five years, and been fourteen years a resident within the United States.

6. In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice-President, and the Congress may by law provide for the case of removal, death, resigna-

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[25] This paragraph has been superseded by Amendment XII.

[26] For the time of choosing electors see section 59 of the text.

tion or inability, both of the President and Vice-President, declaring what officer shall then act as President, and such officer shall act accordingly, until the disability be removed, or a President shall be elected.[27]

7. The President shall, at stated times, receive for his services a compensation, which shall neither be increased nor diminished during the period for which he shall have been elected, and he shall not receive, within that period, any other emolument from the United States, or any of them.

8. Before he enter on the execution of his office, he shall take the following oath or affirmation:

9. "I do solemnly swear (or affirm), that I will faithfully execute the office of President of the United States, and will, to the best of my ability, preserve, protect, and defend the Constitution of the United States."

Section 2. President's Executive Powers

1. The President shall be Commander-in-Chief of the army and navy of the United States, and of the militia of the several states, when called into the actual service of the United States; he may require the opinion, in writing, of the principal officer in each of the executive departments upon any subject relating to the duties of their respective offices,[28] and he shall have power to grant reprieves and pardons[29] for offences against the United States, except in cases of impeachment.

2. He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur; and he shall nominate, and, by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers, and consuls, judges of the Supreme Court, and all other officers of the United States whose appointments are not herein otherwise provided for, and which shall be established by law;[30] but the Congress may by law vest the appointment of such inferior officers, as they think proper, in the President alone, in the courts of law, or in the heads of departments.

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[27] For the order of succession to the presidency see section 61 of the text.

[28] This clause is the only authority for the President's Cabinet. There is no law of Congress that makes a department head a member of the Cabinet.

[29] For the pardoning power of the President see section 69 of the text.

[30] For the President's power to remove officers see section 64 of the text.

3. The President shall have power to fill up all vacancies that may happen during the recess of the Senate, by granting commissions which shall expire at the end of their next session.

Section 3. President's Executive Powers (*continued*)

1. He shall, from time to time, give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient; he may, on extraordinary occasions, convene both Houses, or either of them, and in case of disagreement between them, with respect to the time of adjournment, he may adjourn them to such time as he shall think proper; he shall receive ambassadors and other public ministers; he shall take care that the laws be faithfully executed, and shall commission all the officers of the United States.

Section 4. Impeachment

1. The President, Vice-President, and all civil officers[31] of the United States, shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors.[32]

ARTICLE III

JUDICIAL DEPARTMENT

Section 1. Courts: Terms of Office

1. The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish. The judges, both of the Supreme and inferior courts, shall hold their offices during good behavior, and shall, at stated times, receive for their services a compensation which shall not be diminished during their continuance in office.

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[31] *Civil Officers* subject to impeachment include all officers of the United States who hold their appointments from the National government, high or low, whose duties are executive or judicial. Officers in the army or navy are not civil officers; neither are senators and representatives officers in this sense, nor can they be impeached, but this would be useless as either House can expel a member by a two-thirds vote.

[32] A majority of the House of Representatives may impeach any civil officer of the United States whom they consider morally unfit for his position.

Section 2. Jurisdiction

1. The judicial power shall extend to all cases, in law and equity,[33] arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority; to all cases affecting ambassadors, other public ministers, and consuls; to all cases of admiralty and maritime jurisdiction;[34] to controversies to which the United States shall be a party; to controversies between two or more states, between a state and citizens of another state,[35] between citizens of different states, between citizens of the same state claiming lands under grants of different states, and between a state, or the citizens thereof, and foreign states, citizens, or subjects.

2. In all cases affecting ambassadors, other public ministers and consuls, and those in which a state shall be a party, the Supreme Court shall have original jurisdiction.[36] In all the other cases before mentioned, the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions and under such regulations as the Congress shall make.

3. The trial of all crimes, except in cases of impeachment, shall be by jury;[37] and such trial shall be held in the state where the said crimes shall have been committed;[38] but when not committed within any state the trial shall be at such place or places as the Congress may by law have directed.

Section 3. Treason

1. Treason against the United States shall consist only in levying war against them, or in adhering to their enemies, giving them aid

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[33] For the meaning of *Equity* see note to section 182 of the text.

[34] *Admiralty jurisdiction* includes cases of prizes seized in time of war, and crimes, torts, etc. in time of peace, which occur on the high seas or navigable waters. *Maritime jurisdiction* has reference to contracts, claims, etc. that are connected with maritime operations—*e.g.*, a contract on land for ship supplies. Admiralty jurisdiction is given by the locality of the act; maritime, by the character of the act.

[35] This clause was modified by the Eleventh Amendment.

[36] *Original jurisdiction* means the right of hearing and determining a case in the first instance. *Appellate jurisdiction* means the right to hear cases appealed from inferior courts.

[37] Jury trials are guaranteed in federal courts only. States could abolish jury trials if they should desire to do so.

[38] If a crime is committed on the sea the accused is tried by the United States District Court of the district where the prisoner is landed.

and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

2. The Congress shall have power to declare the punishment of treason, but no attainder of treason shall work corruption of blood or forfeiture, except during the life of the person attainted.[39]

ARTICLE IV

RELATIONS OF STATES

Section 1. Public Records

1. Full faith and credit shall be given in each state to the public acts, records, and judicial proceedings of every other state. And the Congress may, by general laws, prescribe the manner in which such acts, records, and proceedings shall be proved, and the effect thereof.

Section 2. Rights in One State of Citizens of Another

1. The citizens of each state shall be entitled to all privileges and immunities[40] of citizens in the several states.

2. A person charged in any state with treason, felony, or other crime, who shall flee from justice, and be found in another state, shall, on demand of the executive authority of the state from which he fled, be delivered up, to be removed to the state having jurisdiction of the crime.

3. No person held to service[41] or labor in one state, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall

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[39] During the Civil War an act was passed by Congress according to which all Confederate army or navy officers should forfeit their property. A certain piece of real estate in Virginia belonging to a Confederate naval officer, Forrest by name, was seized by the government and sold by legal proceedings to one Buntley. Buntley sold it to Bigelow. After the death of Forrest his son and rightful heir claimed it, and obtained it because treason cannot "work corruption of blood or forfeiture except during the life of the person attainted." See Art. I, Sec. IX, Cl. 3.

[40] For *privileges* and *immunities* see note on Fourteenth Amendment.

[41] *Person held to service* means slave; hence this clause has no significance now.

be delivered up on claim of the party to whom such service or labor may be due.

Section 3. New States: Territories

1. New states may be admitted by the Congress into this Union; but no new state shall be formed or erected within the jurisdiction of any other state, nor any state be formed by the junction of two or more states, or parts of states, without the consent of the legislatures of the states concerned as well as of the Congress.

2. The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States, or of any particular state.

Section 4. Protection Afforded to States by the Nation

1. The United States shall guarantee to every state in this Union a republican form of government, and shall protect each of them against invasion; and on application of the legislature, or of the executive (when the legislature cannot be convened), against domestic violence.

ARTICLE V

AMENDMENT

1. The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the legislatures of two-thirds of the several states, shall call a convention for proposing amendments, which, in either case, shall be valid, to all intents and purposes, as part of this Constitution, when ratified by the legislatures of three-fourths of the several states, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress: provided that no amendment which may be made prior to the year one thousand eight hundred and eight shall in any manner affect the first and fourth clauses in the ninth section of the first Article; and that no state, without its consent, shall be deprived of its equal suffrage in the Senate.

ARTICLE VI

NATIONAL DEBTS: SUPREMACY OF NATIONAL LAW: OATH

1. All debts contracted and engagements entered into, before the adoption of this Constitution, shall be as valid against the United States under this Constitution as under the Confederation.

2. This Constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land;[42] and the judges in every state shall be bound thereby, anything in the constitution or laws of any state to the contrary notwithstanding.

3. The Senators and Representatives before mentioned, and the members of the several state legislatures, and all executive and judicial officers, both of the United States and of the several states, shall be bound, by oath or affirmation, to support this Constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States.

ARTICLE VII

ESTABLISHMENT OF CONSTITUTION

1. The ratification of the conventions of nine states shall be sufficient for the establishment of this Constitution between the states so ratifying the same.

[Constitution ratified by States, 1787–1790.]

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[42] If a federal law and treaty conflict, the courts accept the one most recently passed or ratified. A State law always yields to a treaty.

AMENDMENTS

ARTICLE I[43]

FREEDOM OF RELIGION, OF SPEECH, AND OF THE PRESS: RIGHT OF PETITION

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

ARTICLE II[43]

RIGHT TO KEEP ARMS

A well-regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed.[44]

ARTICLE III[43]

QUARTERING OF SOLDIERS IN PRIVATE HOUSES

No soldier shall, in time of peace, be quartered in any house, without the consent of the owner; nor, in time of war, but in a manner to be prescribed by law.

ARTICLE IV[43]

SEARCH WARRANTS

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be

[43] The first ten amendments are restrictions upon the National government only. (See section 129 of the text.) They were adopted in 1791.

[44] As this Amendment restricts Congress only, a State may restrict the use of arms as it sees fit — *e. g.*, to militia authorized by it. A State may prohibit the carrying of arms by such orgnizations as the Knights of Columbus or the Masons. Many States prohibit the carrying of concealed weapons, or even the possession of pistols, dirks, etc.

violated; and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.[45]

ARTICLE V[43]

CRIMINAL PROCEEDINGS

No person shall be held to answer for a capital, or otherwise infamous, crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service, in time of war, or public danger; nor shall any person be subject, for the same offence, to be twice put in jeopardy of life or limb; nor shall be compelled, in any criminal case, to be a witness against himself; nor be deprived of life, liberty, or property, without due process of law;[46] nor shall private property be taken for public use, without just compensation.[47]

ARTICLE VI[48]

CRIMINAL PROCEEDINGS *(continued)*

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the state and district wherein the crime shall have been committed, which district shall have been previously ascertained by law; and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor; and to have the assistance of counsel for his defence.

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[45] Congress cannot authorize the opening of first class mail except by a warrant issued by a court. The warrant must describe the mail to be opened.

[46] *Due process of law* means the law of the land, both written and unwritten (principles known to courts). In brief, *due process of law* is what the majority of the Supreme Court of the United States thinks the law of the land to be. See section 128 of the text.

[47] While this restriction applies only to the National government, the Fourteenth Amendment extends a portion of it to the States. See Amendment XIV, Sec. 1.

ARTICLE VII[48]

JURY TRIAL IN CIVIL CASES

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved; and no fact, tried by a jury, shall be otherwise re-examined in any court of the United States than according to the rules of the common law.

ARTICLE VIII[48]

EXCESSIVE PUNISHMENTS

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

ARTICLE IX[48]

UNENUMERATED RIGHTS OF THE PEOPLE

The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people.

ARTICLE X[48]

POWERS RESERVED TO STATES

The powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people.

ARTICLE XI[48]

SUITS AGAINST STATES

The judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by citizens of another state, or by citizens or subjects of any foreign state.[49]

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[48] This amendment was adopted in 1798.

[49] Officers of a State can be sued in some cases, which practically amounts to a suit against a State.

ARTICLE XII[50]

ELECTION OF PRESIDENT AND VICE-PRESIDENT

1. The Electors shall meet in their respective states, and vote by ballot for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same state with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President; and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice-President, and of the number of votes for each, which lists they shall sign, and certify, and transmit, sealed, to the seat of the Government of the United States, directed to the President of the Senate; the President of the Senate shall, in the presence of the Senate and the House of Representatives, open all the certificates, and the votes shall then be counted; the person having the greatest number of votes for President shall be the President, if such number be a majority of the whole number of Electors appointed; and if no person have such a majority, then, from the persons having the highest numbers, not exceeding three, on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by states, the representation from each state having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the states, and a majority of all the states shall be necessary to a choice. And if the House of Representatives shall not choose a President, whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice-President shall act as President, as in case of the death, or other constitutional disability, of the President.

2. The person having the greatest number of votes as Vice-President, shall be the Vice-President, if such number be a majority of the whole number of Electors appointed; and if no person have a majority, then, from the two highest numbers on the list, the Senate shall choose the Vice-President; a quorum for the purpose shall consist of two-thirds of the whole number of Senators; a majority of the whole number shall be necessary to a choice.

3. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice-President of the United States.

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[50] This amendment was adopted in 1804 and supersedes Art. II, Sec. 1.

ARTICLE XIII[51]

SLAVERY

Section 1. Abolition of Slavery

Neither slavery nor involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

Section 2. Power of Congress

Congress shall have power to enforce this article by appropriate legislation.

ARTICLE XIV[52]

CIVIL RIGHTS: APPORTIONMENT OF REPRESENTATIVES: POLITICAL DISABILITIES: PUBLIC DEBT

Section 1. Civil Rights

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside.[53] No state shall make or enforce any law which shall abridge the privileges or immunities of citizens[54] of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.

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[51] This amendment was adopted in 1865.

[52] This amendment was adopted in 1868.

[53] By defining *citizenship* it is made clear that negroes are citizens. *And subject to the jurisdiction thereof* would exclude children of diplomatic representatives of a foreign state and children born to alien enemies in hostile occupation.

[54] *Privileges and immunities* have never been defined, but the courts have named many things which are and are not a denial of such privileges and immunities. For example, it is not a denial to prohibit marriage between whites and blacks; nor to provide separate schools for these races; nor to provide separate coaches for the races; nor to close business places during certain hours or on Sunday. It is a denial for a State to prohibit the employment of a particular nationality; or to pass an act excluding persons from jury service because of their color or race.

Section 2. Apportionment of Representatives

Representatives shall be apportioned among the several states according to their respective numbers, counting the whole number of persons in each state, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice-President of the United States, Representatives in Congress, the executive and judicial officers of a state, or the members of the legislature thereof, is denied to any of the male inhabitants of such state, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such state.

Section 3. Political Disabilities

No person shall be a Senator or Representative in Congress, or elector of President and Vice-President, or hold any office, civil or military, under the United States, or under any state, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any state legislature, or as an executive or judicial officer of any state, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may, by a vote of two-thirds of each House, remove such disability.

Section 4. Public Debt

The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any state shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations, and claims shall be held illegal and void.

Section 5. Powers of Congress

The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

ARTICLE XV [55]

RIGHT OF SUFFRAGE

Section 1. Right of Negro to Vote

The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any state on account of race, color, or previous condition of servitude.

Section 2. Power of Congress

The Congress shall have power to enforce this article by appropriate legislation.

ARTICLE XVI [56]

INCOME TAX

The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several states, and without regard to any census or enumeration.

ARTICLE XVII [57]

SENATE: ELECTION: VACANCIES

The Senate of the United States shall be composed of two Senators from each state, elected by the people thereof, for six years; and each Senator shall have one vote. The electors in each state shall have the qualifications requisite for electors of the most numerous branch of the state legislatures.

When vacancies happen in the representation of any state in the Senate, the executive authority of such state shall issue writs of election to fill such vacancies: Provided, That the legislature of any state may empower the executive thereof to make temporary appointment until the people fill the vacancies by election as the legislature may direct. [57]

This amendment shall not be so construed as to affect the election or term of any Senator chosen before it becomes valid as part of the Constitution.

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[55] This amendment was adopted in 1870. It was passed to secure negro suffrage and to prevent negroes from being disfranchised.

[56] Amendment XVI was adopted in 1913. It modifies Art. 1, Sec. 9, Cl. 4.

[57] This amendment was adopted in 1913. It modifies Art. 1, Sec. 3, Cls. 1 and 2.

ARTICLE XVIII[58]

NATIONAL PROHIBITION

SECTION 1 — After one year from the ratification of this article the manufacture, sale or transportation of intoxicating liquors within, the importation thereof into, or the exportation thereof from the United States and all territory subject to the jurisdiction thereof for beverage purposes is hereby prohibited.

SECTION 2 — The Congress and the several States shall have concurrent power to enforce this article by appropriate legislation.

SECTION 3 — This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of the several States, as provided in the Constitution, within seven years of the date of the submission hereof to the States by Congress.

ARTICLE XIX[59]

WOMAN SUFFRAGE

SECTION 1 — The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex.

SECTION 2 — Congress shall have power to enforce this article by appropriate legislation.

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[58] This amendment was adopted in 1919.

[59] This amendment was adopted in 1920.

APPENDIX II

GOVERNMENT PRINTING OFFICE

Superintendent of Documents
Washington

PUBLIC DOCUMENTS

Every American should be interested in the publications that emanate from this Office, for public documents are the history of the country. While a small proportion of the issues might be obtained without cost through the friendship of public men, by far the larger part must be purchased, and nearly everyone interested in the literature of the United States prefers to pay for what he desires, rather than to be under obligation for small favors. Because of this it may be desirable to give the widest possible publicity to the fact that public documents can be purchased from the Superintendent of Documents, Government Printing Office, at a nominal cost. Price lists, indicating the subjects covered, may be obtained free, upon application in person or by mail. Among them are the following:[1]

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[1] Lists 1 to 9, 12 to 14, etc. are omitted because they are out of print.

The character of the price lists may be better understood by an illustration. Price List 45, entitled Public Roads Office, lists about one hundred reports, bulletins, and circulars, which sell for five or ten cents each. The following titles are typical: Construction of macadam roads; Sand-clay and earth roads in the Middle West; Dust prevention and road preservation; Bitumens and their essential constituents for road construction and maintenance; Examination and classification of rocks for road building, including physical properties of rocks with reference to their mineral composition and structure; Road-making material in Arkansas; Public roads of Alabama (and each of the other states); Laws of certain states relating to the use of wide tires; Notes on the use of convicts in connection with road building; Descriptive catalog of road model exhibit; Proceedings of National Good Roads Convention; and Historical and technical papers on road building in the United States.

PRICE LISTS

10. Laws of the United States.
11. Foods and Cooking.
15. Geological Survey.
16. Farmers' Bulletins.
18. Engineering and Surveying.
19. Army and Militia.
20. Public Lands.
21. Fishes.
24. Indians.
25. Transportation.
28. Finance.
31. Education.
32. Insular Possessions.
33. Labor, Insurance, and Cost of Living.
35. Geography and Explorations.
36. Government Periodicals.
37. Tariff, Income Tax, etc.
38. Animal Industry.
39. Birds and Wild Animals.
40. Chemistry.
41. Insects, including Bees.
42. Irrigation, Drainage, Water Power.
43. Forestry.
44. Plants.
45. Roads.
46. Soils and Fertilizers.
48. Weather, Astronomy, and Meteorology.
49. Proceedings of Congress.
50. American History and Biography.
51. Health.
53. Maps.
54. Political Science, including Prohibition, District of Columbia, Suffrage, and Elections.
55. National Museum.
58. Mines.
59. Interstate Commerce Commission.
60. Alaska.
62. Commerce and Manufactures.
63. Navy, including Marine Corps and Coast Guard.
64. Standards of Weight and Measure, including Radiotelegraphy.
65. Foreign Relations.
67. Immigration, including Naturalization.
68. Farm Management.
69. Pacific States.
70. Census.
71. Children's Bureau.

Special lists on such topics as Radio, Home Owning, Accounting, etc., will also be furnished upon request.

The foregoing by no means embrace all the subjects treated in public documents. If you fail to see here what you want, send your inquiries to the —

SUPERINTENDENT OF DOCUMENTS,
GOVERNMENT PRINTING OFFICE,
WASHINGTON, D. C.

APPENDIX III

SUGGESTIONS

It is recommended that the teacher read *The Teaching of Civics*, by Mabel Hill, Houghton Mifflin, 1914; and *Introduction to American Government* by Ogg and Ray, Century, 1922.

All students should read the Constitution of the United States (Appendix I) before studying Chapter IV of this text.

A study of local conditions will make the course more practical. For instance, students may be assigned papers on the following subjects concerning the county: history, natural resources, character of population, wealth, domestic animals, livestock products, production of crop wealth, organizations and coöperative enterprises, rural credits, markets, improved public highways, railway facilities, schools, public health and sanitation, churches and Sunday schools, and the farm home. See Syllabus of Home-County Club Studies, The University of North Carolina Record, No. 121, September, 1914. Extension Series No. 9.

Interest in the course will be greatly stimulated if a trip to Washington, to your State capital, to your county courthouse, to the city hall, or to any nearby public institution can be arranged.

Each student should be encouraged to read such books as:

Uncle Sam's Modern Miracles, by W. A. Du Puy. Frederick A. Stokes, New York City, 1914.
My Country, by Grace Turkington. Ginn & Company, 1918.
The Youth and the Nation, by Harry Moore. Macmillan, 1917.

Each student should be encouraged to subscribe to a weekly magazine of political events such as:

The Literary Digest, New York City.
The Independent, New York.
Current Events, Columbus, Ohio.
World News, Columbus, Ohio.

The following reference books should be in the school library:

Barnes Federal Code with Annual Cumulative Supplement. Bobbs-Merrill, Indianapolis.

State Code and *Session Laws*, and *The American Year Book.*

The Statesman's Year Book, and *The International Year Book.*

The World Almanac, Press Publishing Company, New York.

The Manual, Legislative Hand Book, or *Blue Book* of your State. This manual contains such valuable information as the State constitution, list of State and local officers, and election returns. It can usually be obtained free from the Secretary of your State.

The Congressional Directory, which contains a short biography of each congressman, a list of congressional committees, maps of States showing congressional districts, and a list of the administrative departments and bureaus and the duties of the officers thereof. A free copy can be had through your congressman.

The Statistical Abstract of the United States. Issued annually by the Department of Commerce, Washington, D. C. Free through congressman.

Reader's Guide to Periodical Literature. This index will be useful only in case your library contains bound volumes of magazines.

Annals of the American Academy of Political Science.

The American Political Science Review, Frederic A. Ogg, University of Wisconsin, Madison, Wis.

The National Municipal Review, Philadelphia, Pa. This will be useful to city schools.

Current History, New York Times Company.

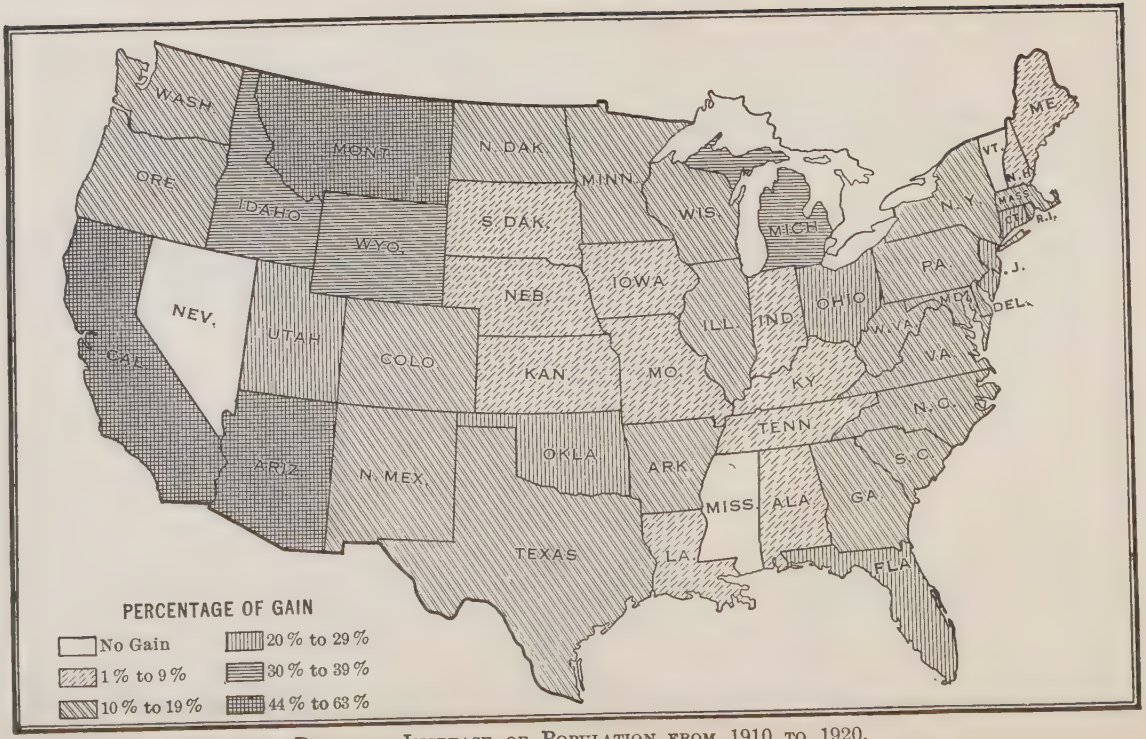
The United States Daily, U. S. Daily Publishing Company, Washington, D. C.

The New York Times. An index volume which is published quarterly.

APPENDIX IV

Population of the United States

		Population 1920	Population 1910	Rank 1910
1.	New York	10,385,227	9,113,614	1
2.	Pennsylvania	8,720,017	7,665,111	2
3.	Illinois	6,485,280	5,638,591	3
4.	Ohio	5,759,394	4,767,121	4
5.	Texas	4,663,228	3,896,542	5
6.	Massachusetts	3,852,356	3,366,416	6
7.	Michigan	3,668,412	2,810,173	8
8.	California	3,426,861	2,377,549	12
9.	Missouri	3,404,055	3,293,335	7
10.	New Jersey	3,155,900	2,537,167	11
11.	Indiana	2,930,390	2,700,876	9
12.	Georgia	2,895,832	2,609,121	10
13.	Wisconsin	2,632,067	2,333,860	13
14.	North Carolina	2,559,123	2,206,287	16
15.	Kentucky	2,416,630	2,289,905	14
16	Iowa	2,404,021	2,224,771	15
17.	Minnesota	2,387,125	2,075,708	19
18.	Alabama	2,348,174	2,138,093	18
19.	Tennessee	2,337,885	2,184,789	17
20.	Virginia	2,309,187	2,061,612	20
21.	Oklahoma	2,028,283	1,657,155	23
22.	Louisiana	1,798,509	1,656,388	24
23.	Mississippi	1,790,618	1,797,114	21
24.	Kansas	1,769,257	1,690,949	22
25.	Arkansas	1,752,204	1,574,449	25
26.	South Carolina	1,683,724	1,515,400	26
27.	West Virginia	1,463,701	1,221,119	28
28.	Maryland	1,449,661	1,295,346	27
29.	Connecticut	1,380,631	1,114,756	31
30.	Washington	1,356,621	1,141,990	30
31.	Nebraska	1,296,372	1,192,214	29
32.	Florida	968,470	752,619	33
33.	Colorado	939,629	799,024	32
34.	Oregon	783,389	672,765	35
35.	Maine	768,014	742,371	34
36.	North Dakota	646,872	577,056	37
37.	South Dakota	636,547	583,888	36
38.	Rhode Island	604,397	542,610	38
39.	Montana	548,889	375,053	40
40.	Utah	449,396	373,351	41
41.	New Hampshire	443,083	430,572	39
42.	District of Columbia	437,571	331,069	43
43.	Idaho	431,866	325,594	45
44.	New Mexico	360,350	327,301	44
45.	Vermont	352,428	355,956	42
46.	Arizona	334,162	204,354	46
47.	Delaware	223,003	202,322	47
48.	Wyoming	194,402	145,965	48
49.	Nevada	77,407	81,875	49
	Total	105,710,620	91,972,266	



RATES OF INCREASE OF POPULATION FROM 1910 TO 1920.

Population of Cities

1920 Rank	City	1910 Rank	1920 Population	1920 Rank	City	1910 Rank	1920 Population
1.	New York	1.	5,620,048	35.	Worcester, Mass.	33.	179,754
2.	Chicago	2.	2,701,705	36.	Birmingham, Ala.	36.	178,806
3.	Philadelphia	3.	1,823,779	37.	Syracuse, N. Y.	34.	171,717
4.	Detroit	9.	993,678	38.	Richmond, Va.	39.	171,667
5.	Cleveland	6.	796,841	39.	New Haven, Conn.	35.	162,537
6.	St. Louis	4.	772,897	40.	Memphis, Tenn.	37.	162,351
7.	Boston	5.	748,060	41.	San Antonio, Texas	54.	161,379
8.	Baltimore	7.	733,826	42.	Dallas, Texas	58.	158,976
9.	Pittsburg	8.	588,343	43.	Dayton, Ohio	43.	152,559
10.	Los Angeles	17.	576,673	44.	Bridgeport, Conn.	49.	143,555
11.	Buffalo	10.	506,775	45.	Houston, Texas	68.	138,276
12.	San Francisco	11.	506,676	46.	Hartford, Conn.	51.	138,036
13.	Milwaukee	12.	457,147	47.	Scranton, Pa.	38.	137,783
14.	Washington	16.	437,571	48.	Grand Rapids	44.	137,634
15.	Newark	14.	414,524	49.	Paterson, N. J.	40.	135,875
16.	Cincinnati	13.	401,247	50.	Youngstown, Ohio	67.	132,358
17.	New Orleans	15.	387,219	51.	Springfield, Mass.	60.	129,614
18.	Minneapolis	18.	380,582	52.	Des Moines, Ia.	62.	126,468
19.	Kansas City, Mo.	20.	324,410	53.	New Bedford, Mass.	53.	121,217
20.	Seattle	21.	315,312	54.	Fall River, Mass.	42.	120,485
21.	Indianapolis	22.	314,194	55.	Trenton, N. J.	52.	119,289
22.	Jersey City	19.	298,103	56.	Nashville, Tenn.	45.	118,342
23.	Rochester	25.	295,750	57.	Salt Lake City	57.	118,110
24.	Portland, Ore.	28.	258,288	58.	Camden, N. J.	56.	116,309
25.	Denver	27.	256,491	59.	Norfolk, Va.	82.	115,777
26.	Toledo	30.	243,164	60.	Albany, N. Y.	50.	113,344
27.	Providence	23.	237,595	61.	Lowell, Mass.	46.	112,759
28.	Columbus	29.	237,031	62.	Wilmington, Del.	61.	110,168
29.	Louisville	24.	234,891	63.	Cambridge, Mass.	47.	109,694
30.	St. Paul	26.	234,698	64.	Reading, Pa.	55.	107,784
31.	Oakland	32.	216,261	65.	Fort Worth, Texas	75.	106,482
32.	Akron	81.	208,435	66.	Spokane, Wash.	48.	104,437
33.	Atlanta	31.	200,616	67.	Kansas City, Kan.	65.	101,177
34.	Omaha	41.	191,601	68.	Yonkers, N. Y.	66.	100,176

One fourth of our population dwell in cities of 100,000 and over. Another fourth dwell in cities of from 2500 to 100,000 population. Hence, slightly more than one half (51.4%) of our population dwell in cities.

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